

Alabama. General Assembly  
JOURNAL

OF THE

SENATE,

AT A SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA.

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE  
FIRST MONDAY IN DECEMBER, 1838.

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# JOURNAL

OF

## THE SENATE.

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*Monday, December 3.*—On the third day of December, in the year of our Lord, one thousand eight hundred and ninety-eight, being the first Monday in said month, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, at Tuscaloosa, the following members of the Senate appeared in the Senate Chamber of the Capitol, and took their seats, to wit: From the Senatorial district composed of the counties of

ALBANY.—L. S. Simmons.  
 BARBOUR, RUSSELL and CHAMBERS.—William Wellborn.  
 BIRMINGHAM.—James Hill.  
 BLOOMINGDALE.—Emily Lloyd.  
 BUTLER and CONECTEE.—H. L. Henderson.  
 DALLAS.—James W. Calhoun.  
 FAYETTE and MARION.—B. W. Wilson.  
 FRANKLIN.—Benjamin Hudson.  
 GENESSEE.—Thomas Riddle.  
 HENRY, COVINGTON and DALE.—James Ward.  
 JACKSON.—Wm. P. Frazier.  
 JEFFERSON and WALKER.—W. K. Baylor.  
 LAWRENCE.—Hugh M. Rodgers.  
 LATHERDALE.—Hugh McVay.  
 LAMISTONE.—N. W. Terry.  
 LOWMEDE.—J. L. F. Coffill.  
 MARENGO and SEMTER.—John Rains.  
 MORGAN.—G. P. Rice.  
 MONROE and CLARKE.—Neal Smith.  
 MOBILE, WASHINGTON and BALDWIN.—T. L. Toulmin.  
 PICKENS.—Peyton King.  
 PERRY.—Henry C. Lee.  
 PIKE, MACON and TALLAPOOSA.—John W. Devereaux.  
 TUSCALOOSA.—Dennis Dent.  
 TALLADEGA, BENTON and RANDOLPH.—Wm. B. McClellan.  
 ST. CLAIR.—C. C. P. Farrar.  
 SHELBY and COOSA.—D. E. Watrous.  
 WILCOX.—Walter R. Ross.

On motion of Mr Simmons, Mr Hudson was called to the chair. On motion of Mr Rains, Charles D. Connor, was appointed Secretary pro. tem.



When the following Senators, to wit: **Messrs.** Baylor, Calhoun, Cottrell, Dent, King, Lloyd, McClellan, McVay, Ross, Rice, Rodgers, Toulmin and Ward, were qualified and took their seats.

On motion, the Senate proceeded to the election of a President, James M. Calhoun, John Rains and Hugh McVay being in nomination. Those who voted for Mr Calhoun, are,

**Messrs.** Cottrell, Dent, Deveraux, Frazier, Hudson, Hill, McClellan, Rice, Simmons, Terry, Toulmin, Ward and Wilson.

Those who voted for Mr McVay, are,

**Messrs.** Baylor, Farrar, Lloyd, Rodgers and Smith.

Those who voted for Mr Rains, are,

**Messrs.** Hudson, King, Lee, Ross, Riddle, Watrous and Wellborn.

James M. Calhoun having received a majority of all the votes given, was declared duly elected President of the Senate—whereupon, Mr Calhoun was conducted to the chair, from whence he made his acknowledgements to the Senate, was qualified and proceeded to the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary, Charles D. Conner and Jones M. Withers being in nomination. Those who voted for Mr. Conner, are

**Messrs.** Dent, Deveraux, Henderson, Hudson, King, Lee, Ross, Rains, Riddle, Ward, Watrous and Wellborn.

Those who voted for Mr Withers, are

**Messrs.** President, Baylor, Cottrell, Farrar, Frazier, Hill, Lloyd, McClellan, McVay, Rice, Rodgers, Simmons, Smith, Toulmin, Terry, and Wilson.

Jones M. Withers being declared by Mr President duly elected Secretary to the Senate, was qualified and proceeded to the discharge of the duties of his office.

The Senate then proceeded to the election of Assistant Secretary, Thomas B. Childress and W. D. Miller being in nomination. Those who voted for Mr Childress, are

**Messrs.** President, Baylor, Dent, Deveraux, Farrar, Henderson, Hill, Lee, McClellan, McVay, Ross, Rains, Riddle, Smith, Toulmin, Terry, Watrous, Wellborn and Wilson.

Those who voted for Mr Miller, are

**Messrs.** Cottrell, Frazier, Hudson, King, Lloyd, Rice, Rodgers, Simmons and Ward.

Thomas B. Childress was declared duly elected Assistant Secretary to the Senate, was qualified and entered on the discharge of the duties of his office.

The Senate then proceeded to the election of Door Keeper, Armstead R. Thomas, J. Gill, S. W. Davenport and J. Fulsham, being in nomination. Those who voted for Mr Thomas, are

**Messrs.** Cottrell, Dent, Deveraux, Henderson, Hudson, Lee, Lloyd, McVay, Ross, Rice, Rains, Rodgers, Smith, Toulmin, Terry, Ward, Wellborn and Wilson.

Those who voted for Mr Gill, are

**Messrs.** President, Baylor, Farrar, King, McClellan and Simmons.

Mr Davenport received the vote of Mr Watrous.

Those who voted for Mr Fulsham, are

**Messrs.** Hill and Riddle.

Mr Thomas having received a majority of the votes given, was declared by Mr President duly elected Door Keeper of the Senate.

Mr Farrar introduced the following resolution: *Resolved*, That the House of Representatives be informed that the Senate is now organised, and have elected James M. Calhoun President, Jones M. Withers Secretary, Thomas B. Childress Assistant Secretary and Armstead R. Thomas Door Keeper, and are now ready to proceed to business.

On motion of Mr Hudson, *Resolved*, That the rules adopted for the government of the Senate at the last session, be adopted for the government of the Senate at the present session, until otherwise ordered.

On motion of Mr Riddle, *Resolved*, That the usual standing committees be appointed by the President, for the present session of the Senate.

Mr Frazier introduced the following resolution, *Resolved*, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any

communication which he may think proper to make—which resolution was, on motion, ordered to lie on the table.

On motion of Mr Hudson, *Resolved*, That the editor of all public journals in the State of Alabama, be permitted to occupy places within the bar of the Senate, for the purpose of reporting the proceeding thereof.

On motion of Mr Cottrell, the Senate adjourned until to-morrow morning, ten o'clock.

*Tuesday, December 4.*—The Senate met pursuant to adjournment. Mr Flemming appeared and took his seat.

Mr President announced from the chair the following standing committees.

On Propositions and Grievances—Messrs. Simmons, Hill, Toulmin, McClellan, Fleming and Riddle.

On Enrolled Bills—Messrs. McClellan, Rains, Wilson, Henderson and Fleming.

On the Judiciary—Messrs. Cottrell, Lee, Watrous, Baylor, Riddle, Rains, Ross and Rice.

On Privileges and Elections—Messrs. Rice, Terry, Frazier, Lloyd, Devereaux, Dent and Ross.

On Inland Navigation and Internal Improvements—Messrs. Lee, Hudson, King, Farrar, Ross, Mays, Watrous, McVay and Frazier.

On Roads, Bridges and Ferries—Messrs. Hudson, Simmons, Farrar, Ward, Wilson and Lee.

On County Boundaries—Messrs. Henderson, McClellan, Farrar, Rodgers, Rains, Hill and Waid.

On Accounts and Claims—Messrs. Terry, Ross, Wilson, Toulmin and Baylor.

On Education—Messrs. Rains, Lee, Watrous, Rice and King.

On the State Capitol—Messrs. Dent, Frazier, Simmons, Wellborn, Ward, Rodgers and Smith.

On the State Bank—Messrs. Mays, Terry, Dent, Rice, King, Toulmin, Lee, Cottrell and McVay.

On Military Affairs—Messrs. Wellborn, Dent, Cottrell, Farrar, Fleming, Frazier, Hudson, McClellan and Toulmin.

On Divorce and Alimony—Messrs. Watrous, King, Devereaux, Lloyd, Hill and Wellborn.

On State Printing—Messrs. Hudson, Rodgers, McVay, Baylor and Lloyd.

Mr President presented the Comptroller's Report, which, on motion of Mr Dent, was laid on the table, and two hundred copies ordered to be printed.

Mr President presented the report of the President of the Branch of the Bank of the State of Alabama at Montgomery, which on motion of Mr Cottrell, was laid on the table.

A message from the House of Representatives, by Mr Garrett. Mr. President—I am instructed by the House of Representatives, to inform the Senate the House has organized, and elected the Hon. James W. McClung of Madison Speaker, William Garrett Principal Clerk, Thomas Price Engrossing Clerk, Joseph Phelan Assistant Clerk, John Tatom Door Keeper, and James Rather messenger, which on motion, was laid on the table.

Mr President presented sealed documents concerning a contested election in the Senatorial district of Henry, Covington and Dale, which, on motion of Mr Hudson, was referred to the committee on Privileges and Elections.

Mr Cottrell presented the petition from the officers of the thirteenth brigade, fifth division Alabama militia, which was referred to the committee on Military Affairs.

Mr Ross presented an account of Jonathan M. Hill, Sheriff of Wilcox county for services rendered by order of the Court, which was referred to the committee on Accounts.

Mr Ross presented the account of Daniel Rosser, with accompanying documents, which were referred to the committee on accounts.

Mr Frazier presented a petition from the citizens of Jackson county, praying relief for those citizens who are indebted to the State Bank and Branches, referred to the committee on the State Bank.

Mr Hudson presented a memorial from William Hester, former tax collector of Franklin county, referred to the committee on Proposition and Grievances.

Mr Cottrell offered the following resolution, *Resolved*, That the reports of the State Bank and the several Branch Banks at Montgomery, Mobile, Huntsville and Decatur, and of the Bank of Mobile and of the merchants and Planters Bank, be laid on the table, and that one thousand copies be printed of each, and that the committee on State printing

cause them to be printed in connection, and in pamphlet form, for the use of the Senate, which resolution was laid upon the table.

A message from the House of Representatives, by Mr Phelan. Mr President—The House of Representatives have adopted the following resolution: *Resolved*, That a committee be appointed on the part of the House of Representatives, to act with such committee as may be appointed by the Senate, to wait on His Excellency the Governor, and inform him that the two Houses are organized and are now ready to receive any communication he may think proper to make, and have appointed on their part, messrs. Findley, Moore of Madison and Shortridge, in which they ask the concurrence of the Senate, which resolution was concurred in—and messrs. Hudson, McClellan and Toulmin, were appointed a committee in pursuance of said resolution.

Mr Wellbourn moved the following resolution. *Resolved*, that a committee be appointed to inquire into the propriety of paying off the Russell volunteers for services rendered during the late war with the Creek Indians—concurred in, and messrs Wellbourn, Frazier and Dent, were appointed said committee.

Mr Smith offered a bill, to be entitled an act, to improve the Alabama, Cahawba, Coosa, Tallapoosa, Tombecbee and Black Warrior river, read by its caption—on motion of Mr Rains, the constitutional rule was suspended, the bill received its second reading, by its caption, and was referred to the committee on Inland Navigation.

Mr President presented the annual Report of the President of the Branch Bank at Mobile, which, on motion, was laid on the table.

Mr Lee presented a petition from numerous citizens, praying a repeal of a portion of the laws of the common school fund and for other purposes, and moved that it be referred to the committee on Education. Which was so ordered.

Mr Lee offered a bill, to be entitled an act to repeal in part an act entitled an act to revive and amend the laws in relation to schools and school lands, which was read the first and second times and referred to the committee on Education.

Mr Terry presented the petition from the President and Directors of the Union Hotel Company in the town of Huntsville, praying a charter, which, on motion of Mr Terry, was referred the Judiciary committee.

Mr Lee presented the petition of the officers of the fourteenth brigade, third division of Alabama militia, assembled at Camp Thompson, which was referred to the committee on Military Affairs.

Mr Ward presented a petition from the citizens of the south eastern part of Alabama, praying the establishment of a Branch of the Bank of the State of Alabama, at Irwinton, which on motion of Mr Hudson, was referred to the committee on the State Bank.

Mr Rice offered the following resolution, *Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of establishing a Penitentiary and State Prison, and to report by bill or otherwise, which resolution was adopted.

Mr. Hudson made the following Report: The Committee appointed on the part of the Senate, to act with such committee as was appointed on the part of the House of Representatives, to wait on His Excellency the Governor, and inform him of the organization of the two Houses and their readiness to receive any communication which he might think proper to make, have performed that duty, and have received for answer, that he will make a communication, in writing, to both branches of the General Assembly, to-day, precisely at half past eleven o'clock. Which report was laid upon the table.

Mr Dent presented the certificate of the commanding officer of the Dallas county volunteers for Florida, in relation to services of Mitchel Roberts and John M. Bay, and their claims to compensation therefor, which was laid upon the table, and subsequently withdrawn.

On motion of Mr Hudson, the resolution of Mr Wellbourn, to appoint a select committee to inquire into the propriety of paying the Russell volunteers for services rendered in the late Creek war, was reconsidered and laid on the table.

Message from His Excellency the Governor, by his private Secretary, Mr Gooch.

7  
EXECUTIVE DEPARTMENT,

Tuskaloosa, December, 3d, 1838 }

*Gentlemen of the Senate and of the House of Representatives:*

The revolution of another year has convened us at the Capitol, for the purpose of deliberating on the public interests of our common constituents; and it becomes our indispensable duty, as the servants and Representatives of a people professing the mild and tolerating doctrines of the Christian Religion, to return our grateful and solemn thanks to the Divine Ruler of the universe for the blessings conferred upon us during the past year. Every section of the State has been blessed with the enjoyment of an universal degree of health. The grain crop, in many parts of the State, is said to be much more abundant than in any of the surrounding States, and although the cotton crop, when we estimate the quantity planted, will not equal the production of some former years, it is fair to conclude, that the enhanced price consequent upon diminished production, will yield to the planter an adequate profit upon his capital and labor. It is a source of most agreeable reflection, too, to perceive that that portion of our fellow citizens, who, in common with much larger portions in other parts of the United States, were laboring under pecuniary embarrassment, growing out of the sudden and unexpected revulsion in the commercial and momentary affairs of the country, under a system of rigid economy and persevering industry, and profiting by the salutary admonitions of past experience, are rapidly emerging from the difficulties in which they were involved, and will, no doubt, by continued perseverance in the commendable course so nobly begun, soon find themselves entirely relieved from the entanglements of debt, and in the enjoyment of prosperity, affluence and comfort.

Another source of peculiar gratification at the present period, is, that for the first time since the adoption of our State Constitution, we are in the full and undisturbed possession of the whole extent of soil embraced within our territorial limits. The last remnant of the native, original possessors of the soil, included within the limits of this State, have, in pursuance of the policy of the General Government, and under the superintendence and direction of a distinguished officer of the Army of the United States, been removed, or are now on their way to the homes provided for them, in exchange for their lands, west of the Mississippi. And although the sigh of regret and commiseration may escape us, when we reflect on the necessity that existed for the removal of this wasting and unfortunate race of beings, from the land of their nativity and the homes and the graves of their ancestors, we cannot be insensible to the great and manifold advantages which have, in consequence of this policy, resulted to us.

The Government of the United States, in pursuance of the wise and liberal policy which has uniformly characterized its legislation in reference to the new States of this Union, has extended the pre-emptive system to the lands lying in this State, recently acquired from the Indians; and it cannot fail to prove a source of pride and gratification to every citizen of Alabama, that her Senators and Representatives in Congress have eminently contributed to the success and continuance of a system, not only just in itself, but fraught with peculiar advantages to a large and meritorious class of our fellow citizens.

It would be improper for me to omit, on this occasion, to bear testimony to the manner in which that portion of the people of this State, who were called on for that purpose, performed, in all human probability, the last act in the drama of our Indian affairs. In complying with the requisition from the War Department for troops to aid in the execution of the treaty with the Cherokees, the only difficulty experienced was in determining who, among the great number tendering their services, could be most properly excluded from the service of their country.— And at a later period, when, from the aspect of the negotiations between the Secretary of War, and certain Chiefs of the Cherokee Nation, I felt it to be my duty to organize a force of fifteen hundred men, to act as circumstances might require, and issued an order to that effect to Major Generals Patterson and Philpot, commanding the first and seventh divisions, to furnish seven hundred and fifty men each, from their respective commands, the requisit number immediately stepped forward with a promptitude and alacrity which reflects the highest credit on their patriotism and valor.

The war with the Seminoles still lingers to its termination, and the people of Dale county have experienced great inconvenience and considerable loss from its continuance. In the month of January last, from the repeated and pressing solicitations of the inhabitants of that county, I considered it proper to authorize Col. William Pouncey, who was recommended to me as an excellent partizan officer, to raise a company of Mounted Rangers, to protect the frontier inhabitants against the incursions of straggling parties of Indians, and to enable the settlers to plant their crops; and am happy to learn that this precautionary measure had the desired effect. Part of the expense of this measure, amounting to seven hundred and fifty dollars, has been paid out of the contingent fund, and it will become the duty of the General Assembly to

provide, by law, for the payment of the balance. While upon this subject, I beg leave to recommend to your careful examination, the claims growing out of the late difficulties with the Creek Indians. To provide for the payment of those who performed services, and incur expenses in times of public difficulty and danger, is one of the clearest dictates of justice, as well as gratitude. In order to facilitate your enquiries upon this subject, and to prevent mistakes, I have requested the State Treasurer to furnish you with a complete statement of the amount of the accounts, and the individuals to whom paid, in virtue of acts of appropriation, as well as those allowed by the Commissioner appointed for that purpose.

Under the act of the 23d of December, 1837, authorizing the appointment of three Commissioners to examine the State Bank and Branches, and to report to this Department in the manner specified in said act, on the 31st day of January, I appointed John B. Norris of the city Mobile, Thomas Owen of Tuscaloosa, and Thomas Brandon of Huntsville, to perform that duty. Their first report, exhibiting the actual condition of the Banks up to the period at which the examination closed, was communicated in May. The second examination contemplated by the act under which the Commissioners were appointed, was closed a few days since, but has not been formally communicated to this Department. From the acknowledged ability of the Commissioners, it is fair to presume that the second report will contain many valuable and important suggestions with regard to the future management of the Banks. Both the reports will, according to the terms of the law, be communicated to you during the present session.

Many reasons conspire, in the present unexampled conjuncture of our public affairs, to render the State Bank and its Branches, objects of peculiar solicitude and anxiety to those who are engaged in the public service. And, notwithstanding a just diffidence in my abilities with respect to most matters, and especially the question of Banking and Finance, as one of the requirements of the Constitution is, that I should recommend to your consideration such measures as I may deem expedient, I beg leave respectfully to submit to you the propriety of certain cardinal changes in the mode of managing the State Bank and Branches, which appear to my mind as indispensably necessary to their successful operation. Neither would it be altogether candid in me, not to say, that originally I was opposed to the whole State Bank system. I thought I saw in the system itself, intrinsic difficulties not to be overcome by any course of management, however prudent, and the tendencies of which could not be counteracted by any policy, however wise and cautious. But subsequent observation and reflection have both tended to convince me, that the defects I had supposed to be inherent in the system itself, have proceeded, in a great measure, if not entirely, from defective organization and mismanagement and are mainly attributable to the following causes:

- 1st. The want of some general head or controlling principle.
- 2d. The frequent election of numerous Boards of Directors by the Legislature.
- 3d. The mode of compensating the Directors, in the shape of Discounts and accommodations.
- 4th. In not requiring the Banks to keep a larger amount of specie in their vaults, in proportion to their circulation. And
- 5th. The transaction of too large a portion of their business on long time. Under this last head will, of course, be included the unreasonably large sums loaned to individuals.

The constitutional provision under which the State Bank and Branches are established, is in the following language: "One State Bank may be established, with such number of Branches as the Legislature may, from time to time, deem expedient," &c.

The evident import and meaning of this language would seem to be, that the Branch Banks were to be emanations from the State Bank, or that they were to be connected with it; or, at least, that they should be so organized as to form parts of the same system, and to act in concert and harmony with the mother Bank, as well as with each other, instead of being what in fact they now are, independent institutions, each acting for itself, with very little, if any, regard to the interest of each other, without any unity of purpose or design, and entirely uninfluenced by the operation of any general principle. Indeed, it must be obvious to every one who has bestowed the slightest attention, or made the least observation on the subject, that the *Branches of the Bank of the State of Alabama*, are Branches in name merely; and that to all practical intents and purposes, they are separate, distinct and independent institutions; and that notwithstanding they rest for support on the same common foundation, the faith and credit of the State, and, properly managed, none can rely on a surer or safer basis; that owing to the influence of divided counsels; or to the separate, distinct and independent action of unconnected and conflicting views—being bound together by no common principle of harmonious action they are, at all times, in danger of defeating the primary object which the framers of the Constitution had in view—furnishing a sound, stable and uniform currency. Indeed this year has witnessed the fact, that some, if not all these institutions have made a difference between their

own paper and that of other State institutions. But really, when we consider the obvious departure from the spirit and meaning of the Constitution, in the establishment and organization of the *Branch Banks*, and see that these *Branches* have not, and never had, any connection with the body of which they purport to be members, it is only astonishing that they should have succeeded as well as they have. For an organized body without a head, or any general controlling power, is an anomaly in principle, and, if not an absurdity in practice, must at all times be eccentric in its movements, and of dangerous tendency. The only two modes that occur to me as likely to remedy the existing defects in the organization of the system, are the following: either to invest the mother Bank a controlling power over the Branches, or to create a Board of Control, consisting of five Commissioners, one for each Bank, with a competent salary, and making it their duty to meet as often as circumstances might render it proper, and to prescribe general rules for the government of the State Bank and each of the Branches, in all their general operations, and leaving matters of detail to the respective Boards of Directors.

Another palpable defect in the system, is the mode of electing, and the number of the Directors. The Directors are too much dependent on the members of the Legislature—and the members of the Legislature themselves do not and cannot act under a sufficient sense of responsibility, in the election of Bank Directors. Indeed, I look upon the present mode of electing Bank Directors, as not only having an inevitable tendency to, but as certain to end in corruption, as that effects follow their causes.

I trust I shall not be understood as making unworthy or improper allusions to any existing state of things. I am endeavoring, by the exercise of a prudent foresight, to guard against the mischiefs that lie before us, and which may, if not guarded against, endanger the safety of our institutions.

In bringing again to the attention of the Legislature, that change in the mode of electing Bank Directors, which, on a former occasion, I felt it to be my duty to present to their consideration, I am not unaware that I may subject myself to the charge of pertinacity of views, and probably, my motives to misconstruction. But I greatly mistake my devotion to the welfare of the people of this State, if any selfish consideration could induce me to withhold the expression of any opinion, I might think calculated to promote their interest. And if such a time ever should arrive, I should consider myself utterly unworthy of their confidence. Fortunately, however, my opinions upon this subject are recorded upon the journals of the body of which I was a member, at the time when it was impossible for me to have been actuated by a desire to diminish the powers of the Legislature, or increase those of the Executive.

The best reflection I have been enabled to give to the subject, leads to the conclusion that the most important improvement that could be made in the management of the Banks, so far as the election of Directors is concerned, would be to reduce the number to six, make it the duty of the Governor to nominate double that number to the two Houses, and let them elect, as they now do, by joint vote—pay the Directors a competent salary for their services; and cut them off from all accommodation or liability at the State Bank, or any of its Branches, during the time for which they are elected.

The objection to this change is, that it increases the powers of the Executive in proportion as it diminishes the powers of the Legislature. This is admitted. But let us enquire whether it is not much more probable that the Governor will exercise this power in a manner more likely to promote the public good than the Legislature. For I apprehend it will be readily conceded, that every portion of delegated power, should be so used as to exercise will be most likely to advance the public interest. Neither will it be controverted, that any portion of power may be safely deposited, in any branch or department of the government, where the public good requires it to be placed, provided the exercise of such power be accompanied by adequate and correspondent responsibility. Indeed the great desideratum in parting with power, is to secure its faithful exercise by certain and adequate responsibility.

It is in this point of view mainly, that the proposed change has a manifest advantage of the existing mode of electing Directors. For, admit that each member of the Legislature is competent to judge of the qualifications of Bank Directors as the Governor, yet the responsibility that will attach to the Executive under the nominating plan, compared with that which now rests upon the members of the Legislature will be as one hundred and thirty, is to one; or to speak more plainly, that the responsibility which now attaches to, and is divided among the one hundred and thirty individuals composing the General Assembly, will attach itself directly to the Governor alone. But it is objected that it would be dangerous to repose this power in the Governor, because he would use it to promote his own views of interest or ambition, and that his nominations would always be made from among his personal or political friends. But it should be remembered that the Legislature has a constant check upon him, by rejecting his nominations if they are injudicious or improper, and the vigilant eye of the public would be al-



ways upon him. And even admitting, for a moment, although I am far from attributing such motives to others, that an individual elevated to the Chief Magistracy of an enlightened State, could so far forget the duties of that honorable station, as to attempt to infuse corruption into her monied institutions, which are her political life's blood, by selecting a set of unprincipled men, who would be willing to pander to his cupidity, or minister to his ambition, it by no means follow that it would not be better, even to incur the risk of the delinquency and corruption of one individual, than to keep the most numerous and powerful department of the government constantly in the way of temptation. And with respect to the gratification of personal or political partiality or prejudice, all the remarks which apply to the relative responsibility of the two modes, apply with equal force to this objection; or in other words, it is impossible that the Governor shall have as many personal or political favorites to gratify in the nomination of Bank Directors, as one hundred and thirty gentlemen, equally intelligent, equally popular, and just as influential in every respect.

The reasons in favor of reducing the number of Directors are threefold. Perhaps, there is no political axiom more conformable to reason, and correct observation and experience, than, that in the creation of public agents, the smallest number that can be safely trusted with any given power, and can exercise it effectually, is always best; especially when they are to be liberally paid at the public expense.

First, then, there would be greater certainty of obtaining six than the present number, possessing the requisite qualifications in the different sections of the State where the Banks are located; secondly, there would be more likely to be unanimity of opinion and efficiency of action in a small number; and lastly, the difference in point of economy, between paying six, and twelve or fourteen, at each bank, is well worthy of consideration.

But it may be asked, can it be possible, that twelve or fourteen gentlemen, possessed of the requisite qualifications for Bank Directors, cannot be found in the vicinity of the State Bank, and Branches? The condition of some of the Banks at least, furnishes the answer to this question.

It is urged, however, that reducing the number is anti-republican—that, it is taking power from the many, and giving it to the few. This objection, if well founded, would be unwelcome. But of all the objections urged against the proposed change, this is the most deceptive, and the most fallacious. For corporations, in their very essence, are anti-republican; being based upon powers abstracted from the common mass of power, and vested in a limited number for particular purposes.

By the many, when used in reference to political institutions, we mean the people; and the power vested in a corporation, is taken away from the people the moment the corporation is created; and the only interest, the people have in the matter, is, that the power thus taken away should be vested in whatever number is most likely to exercise it for their benefit, whether that number be few or many. And to say nothing more of the idea of introducing political principles into the organization of monied institutions, or pecuniary affairs of any kind; it may be safely affirmed, that if any Banking institutions ever should be based on such principles, they will be certain, in the end, to become political engines in the hands of whatever party may predominate in politics, and to defeat the very object of their creation.

The history of the late Bank of the United States furnishes us with a memorable lesson upon the subject of clothing monied institutions with political powers, or organizing them on political principles.

The most objectionable feature, upon the first blush, in the proposed change, although I am convinced it is one of indispensable necessity, is cutting off the Directors from all accommodations, and preventing their becoming liable to the banks, or either of them, to any extent, during the time for which they are elected. According to the theory of our Government; and it is a theory dear to every patriot; each citizen is entitled to the enjoyment of equal rights. Hence, arbitrarily to deprive a Bank Director of the rights to which, as a citizen, he would be entitled, would be unjust and oppressive. But it is a mere qualification for office, which he may accept or refuse, and to which a sufficient salary is affixed, to compensate him, for the sacrifices he makes, and the labor he performs.

I cannot dismiss this part of the subject, without expressing the most decided disapprobation of the present mode of compensating the Directors for their services, in the form of increased facilities and accommodations. And I regret to add, that the past history of the banks, unfortunately speaks a language much more intelligible, than any I can employ upon this subject. Perhaps of all the modes that human ingenuity could devise, for paying public agents for their services, there is none more pernicious and unwise in principle, or leading more inevitably to corruption in practice, than leaving it to the agents themselves. It is true, there is a prescribed limit beyond which, under the present system, the Directors are prohibited from going.

But he is an indifferent judge of human nature, who does not know, that placing and keeping men constantly in the way of temptation, is not the surest method of preserving their honesty, or ensuring a faithful discharge of their public duties.

The other defects, to which I have alluded as presenting impediments to the successful operation of the banks, are, their failing to keep a larger amount of specie or its equivalent, in proportion to the amount of their circulation, always on hand; the loaning of large amounts to individuals, to foster and pamper a ruinous system of speculation, instead of distributing their loans equally, so as to meet the general wants of the community; and of transacting too large a portion of their business on long time.

That each of these suggestions, will receive at your hands the consideration to which it is entitled, I entertain not the smallest doubt.

I candidly admit, that the circumstances under which this communication is made, impart to every consideration connected with our banking system, a peculiar interest. We are in fact just entering on a new order of things. The expiration of the charter of the U. States Bank—its vast effects upon the State institutions, as well as upon the currency of the country at large, and the confident opinion I entertain, and the hope I cherish, that no similar institution will ever be established in the United States, all unite in giving to the State Banks, a degree of importance hitherto unfelt and unknown. Upon their successful management, more than any thing else, depends the great question, whether, hence forward, we shall be exempt from the absorbing influence of that gigantic institution, which literally engulfed the exchanges of the country, and controlled its pecuniary destinies, at its will, or be brought back to that connection between the Government and banks, the dissolution of which has been decreed by the judgement of a large majority of the American people.

In every light, in which our banks can be viewed, it is now evident, that they are to become institutions of immense importance, either for good, or for evil.

Already we see a State Institution, styled the Bank of the United States, chartered by Pennsylvania, under the control of the mastering spirit of an eminent financier, marching with gigantic strides to the occupation of every inch of unappropriated ground in the different States, with a view of monopolizing the exchanges, and controlling the currency of the country.

It is for us to determine, whether we will secure the immense advantages, to be derived from a well regulated State Bank system, to the present generation, and to after times, or permit them to be filched from us, for the purpose of enriching the citizens of other States, to the injury and the exclusion of the people of Alabama, for the protection of whose rights, we have been appointed sentinels; and over whose interests, it is our duty to watch with unceasing vigilance.

Under the solemn and unchangeable conviction, that the Government of the United States possess no constitutional power over the currency, except so far as the Government itself is concerned, and to prevent any State from making any thing but gold and silver coin, a tender in the payment of debts; and that it is the right and duty of the States, each to provide a currency for itself; and that it is completely in the power of the individual States to provide such a currency by placing their banking institutions on a proper basis, and conducting them in such a manner, as to inspire confidence co-extensively with their circulation, and all the wants of their citizens; it is but natural, that I should feel deeply solicitous to see our Banking institutions placed on the best possible footing, so as to enable them to perform the important part, and fulfil the high destiny that awaits them.

We have seen them already, under their present defective organization, and imperfect management, relieving us of the payment of a State tax for several years, and no one can doubt, that properly managed, they would soon enable us to engage in the important works of a general system of education, and of internal improvement; in regard to both of which, we are in the rear of many of the States of the Union, not enjoying equal advantages with ourselves.

The propriety of the banks resuming specie payments, earlier than the period fixed by the act of June, 1837, will doubtless occupy a portion of your deliberations during the present session. I am decidedly of opinion, that the banks are bound by all the obligations of good faith, as well as the clearest dictates of interest and sound policy, to resume at the earliest possible day, that their means will enable them. And I am further of the opinion, upon a comparative view of their means, and liabilities; that they may resume, with perfect safety, on the first of January.—and should regret, exceedingly, to see any measure adopted by the Legislature, calculated to impair the ability of the Banks to resume, or to induce the necessity for further delay.

The bonds created by the act of the 23d of December, have not been sold.—They were executed in sums of two hundred pounds sterling each, in the month of April, and were ready for market, as soon as the Cashier of the State Bank, could perform the labor of signing the Coupons, which added to his other duties, was very considerable.



The Boards of Directors very properly constituted two agencies, in order to ensure the best market: one in New York, and one in Liverpool. At the date of the last advices from the agent in Liverpool, Alexander Pope, Esq., there was no prospect of a speedy sale on advantageous terms.

Since your last adjournment, several combinations or associations of individuals, in different parts of the State, have confederated themselves together, under different titles and denominations, for the purpose of banking and are now in the full exercise of all its privileges. And I understand there are several other institutions of kindred character, in a rapid state of preparation. It is extremely to be regretted that any portion of the people of this State, should have been so far seduced, or influenced by the evil and pernicious, though generally exploded example of other States, as to have resorted to an expedient, not only violative of the Constitution, but fraught, if not arrested in the outset, with the most disastrous consequences, to the character and credit of the State, and attended with risk, if not absolute loss, to all who meddle with them. Fully satisfied of the illegality of these proceedings, on the part of the individuals concerned in them, I instructed the Solicitors of two of the Judicial Circuits, in which these establishments are located, to institute proceedings against them in the Circuit Courts. One of the informations filed by the Solicitor, I am informed, was continued for want of time, and the other dismissed; upon the ground, that although banking, according to the opinion of the presiding Judge, was a franchise, and the exercise of it a violation of the Constitution, there was no law to prohibit it.

It is for the Legislature, in their wisdom to determine whether they will tolerate a system in direct violation of the Constitution, and a flagrant infraction of the sovereignty of the State—a system rather novel in itself, being, not always founded either on capital or credit, but not unfrequently, on the remnant of a stock of ingenuity and enterprise, that have been unsuccessfully employed in almost every other form of speculation; and the inevitable result of which, must be, to impose upon the community an unsound, depreciated, irredeemable currency.

The arrangement entered into, by the Bank of the State of Alabama, on the 29th day of August last, to make advances on cotton, has been brought to my notice in such a variety of ways, that I do not feel at liberty to avoid submitting a remark upon it. Perhaps there is no principle more universally recognized, than, that corporations possess no powers except such as are conferred upon them by the acts creating them. And that they are not at liberty to undertake to promote the interest of the community, or any portion of it, to the exclusion of the rest; but can only do such things as they are authorized to do, by the acts creating them, and they must do such things as they are authorized to do in the mode pointed out by the charter, and in no other mode.

It is readily admitted, that the planting interest, which this arrangement was evidently intended to favor, is the most important, and that the planters themselves constitute our surest and safest reliance in every emergency. But they are not entitled to favors, to which other classes of the community are not equally entitled, and upon the same terms. The liberties of the people of this country, rest on the broad platform of equal rights, and any attempt to discriminate between them, is striking at the very foundation of our political system.

I am therefore of opinion that this, and all similar arrangements are indefensible in principle and practice.

The contract entered into between the Branch Bank at Montgomery, and the Montgomery and West Point Rail Road Company, is also believed to be unwarranted by the terms of the bank charter, and will be communicated to you, in connection with the Commissioner's report.

Commissioners were appointed in September, to examine the Bank of Mobile, and the Planters' and Merchants' Bank, whose reports will be communicated to you, as soon as they are received. Both these institutions are understood to be in a sound and healthy condition, and have announced their determination, to resume specie payments on the first of January next.

The University of Alabama, which so long struggled against adverse currents, is now rapidly emerging from the difficulties under which it labored, and under the control and influence of a President and Professors who, so far, have proved themselves all that the friends of virtue, education and science could wish;—this Institution bids fair, soon to become what, under happier auspices, it would long since have been, an ornament and a blessing to the State.

At the last annual meeting of the Board of Trustees, the existing vacancies were filled by the election of Samuel H. Stafford, late of South Carolina, to the Chair of Ancient Languages, F. A. P. Barnard of New York, to the Chair of Mathematics, and Horace S. Pratt of Georgia, to the Department of English Literature.

Each of those gentlemen came on shortly after they were notified of their appointments, and Professors Stafford and Barnard have been in the discharge of their respective duties from the time of their arrival.

Professor Pratt's acceptance of his appointment was predicated on the condition, that he could have sufficient time allowed him to wind up his business in Georgia, before he entered on the duties of his station: This was assented to, by the President of the Board of Trustees, the Board not being in session, and after assisting in the organization of the different classes, he departed, under an arrangement with the other gentlemen of the Faculty to divide his duties among them, and perform them during his absence. He arrived at the University a few days since, and it is confidently believed that not the slightest injury has resulted to the interests of the Institution in consequence of his temporary absence.

The Chair of Modern Languages is still vacant, and will probably be filled at the ensuing meeting of the Board of Trustees. In speaking of the condition and prospects of an institution, in which the present and future generations have so deep and important an interest, it would be improper not to notice the highly commendable and praiseworthy deportment of the Students. And, it affords me unspeakable pleasure to say, that never, in any Literary Institution, in any part of the world, did a set of young gentlemen exhibit a more lofty, and undeviating sense of honor and moral rectitude, or more constant, and unremitting attention to their studies, than have been constantly manifested by the Students of the University of Alabama, since its reorganization.

Such has been the entire neglect of any attempt, at any thing like a general system of education in Alabama, that there is at this time, scarcely a school, or Academy in the State, in which, our young men can be fitted for College. This is an imputation under which, a people enjoying the manifold resources, and advantages that we do, ought not to consent, longer to labor.

The great and interesting subject of internal improvement will, no doubt, form one of the most prominent subjects of your deliberation during the present session. I have looked forward with great pleasure to the period, when under a judicious management of our Banking, and financial affairs, the State would be prepared to engage in some work of internal improvement connecting the Tennessee River with Mobile Bay. Candor, however, induces me to say, that I do not consider the present time propitious for engaging in any public work of considerable magnitude.

When our Banks shall have resumed specie payment—public confidence becomes restored—that a portion of our citizens, labouring under the weight of pecuniary embarrassment, shall be relieved from their difficulties, it will afford me great pleasure to co-operate with you in the accomplishment of this desirable object. If however, from your more intimate acquaintance with the wants and wishes of the people, you should think proper, at this time, to direct a portion of the public energies and resources to this object, my assent will not be withheld. Although, I think it had better be deferred.

Among the indispensable duties, that will devolve upon you during the present session, will be the apportionment of the Senators and Representatives among the several counties, cities and towns, according to the enumeration made under the act of the last session. This duty I have no doubt, you will perform in such a manner, as to secure to the people in every part of the State, with as perfect equality as is attainable, the full benefit of the great and invaluable right of separate representation.

I beg leave to press upon your serious consideration, a careful revision of our penal code, with the double view of mitigating its severity, and ensuring a more certain administration of the Criminal Law; and, in connection therewith, the establishment of a State Penitentiary. This subject has been so frequently discussed both in the Legislature, and before the people that, I deem it unnecessary to protract my own views in relation to it. My deliberate opinion is, that the establishment of a Penitentiary would do more to prevent the perpetration, and insure the punishment of crimes, than all our other legislation combined.

If you should agree with me upon this subject, perhaps the better plan would be, to appoint suitable persons to examine similar institutions in different parts of the Union, so that we might be enabled to avail ourselves of the most approved systems in other States.

Intimately connected with the subject of crimes and punishments, is another, which greatly increases the amount of the former, and induces a necessity for the latter. I allude to the retailing of spiritous liquors in small quantities, to be drank where they are sold.

Of all the evils that beset and waylay the path of civilized society, I am satisfied, that Intemperance is the greatest; and that it tends more than any other, and, perhaps, more than every other, to retard the advancement of the American people to that high state of moral and intellectual eminence, which, I hope awaits them. And if the Legislature possessed the legitimate power to suppress this evil, without the infraction of private rights, I should rejoice to see it exercised. But the most deliberate reflection upon this subject, aided by the powerful arguments to be drawn from the dearest interests of human society, have not been sufficient to convince me, that it falls within the appropriate sphere of direct legislative action. That the legislature

may regulate the sale of spirits, after it becomes a part of the common mass of property in the State, in the way of taxation, is readily admitted. But the evil is not alone, or so much in the selling, but it is in the drinking. And it will hardly be contended, that it would be competent for the Legislature to punish the drinking of ardent spirits.

I therefore, with great deference to the judgment of others, incline strongly to the opinion, that the correction of this great evil, must be left to the slow, but certain operation of enlightened public opinion.

Under the thirteenth section of the act of 23d December last, I appointed the Hon. Reuben Saffold, of Dallas, William H. Robertson and William Jones, Jr. of the city of Mobile, Esq's Commissioners to inquire into the expediency of establishing a public Warehouse or Warehouses, in the city of Mobile, &c. Their Report has not been received, but is daily expected, and from their acknowledged abilities, it is natural to conclude, that it will place this subject in a proper point of view.

My own opinions are decidedly in favor of the system proposed. I think, it would have the effect of securing to the planter a much more effectual control over his crop, after it is carried to east upon them. That your legislation upon this as well as other subjects, calculated to effect the character and prosperity of our great commercial emporium, (for such Mobile must from her situation always be) will be characterized by a spirit of wisdom and enlightened liberality, I entertain the most confident expectation. For, although it may be true, that in the business transactions of that city, like all others, cases of hardship, imposition, and injustice, may have occurred, yet, it should always be remembered, that vice and moral delinquency, in whatever form they may exhibit themselves, are attributable to individual imperfection or depravity, and not to general classes of men, or particular pursuits.

The revised Military Code prepared by Generals Crabb and Bradford, and adopted at the last session, for the government of the Militia of this State, has not been sufficiently tested by time and experience, to speak with certainty of the merits of the system. Those, who have partially carried the principles of the system out in practice, speak in terms of high approbation of it. Under the requirements of the act for that purpose, I appointed Col. Henry L. Martin to prepare an Index, to it, who performed that duty in a manner, which it is believed, will meet the approbation of the Legislature.

That illustrious individual to whom, more than to any other, we are indebted for the blessings we enjoy, has said, that a well regulated Militia is the best safeguard of public liberty. This alone, is sufficient to entitle the subject to the most deliberate consideration of the General Assembly.

The organization of the Judicial Department of the Government, is still imperfect in many respects, but mainly for want of a separate Court of Chancery. Looking to the Judiciary as decidedly the most important of the three Departments, for the reason, that it is peculiarly the one charged with the administration of the laws, and the protection of individual rights, it is a matter of the highest importance, to have the organization of this Branch of the Government as perfect as possible.

The present system of blending in the circuit courts, Common Law and Equity Jurisdiction, was evidently a mere expedient, only intended to subserve the public convenience, until the wants of the people should induce the necessity for a change, or a more perfect system could be devised.

In many parts of the State, the want of a separate Court of Chancery amounts, almost to a denial of justice. For, to say nothing of the numerous, and most important class of cases, of which, under a well organized Judiciary System, that Court would have exclusive cognizance, it is a matter of rare occurrence, in many of the Circuits, to obtain a final decree in a cause of any importance, within a reasonable time, in consequence of the want of time, and other difficulties inseparably connected with the present system. I therefore respectfully recommend to you the propriety of establishing a separate Court of Chancery.

There are at present nine Judicial Circuits. Perhaps the most convenient and practicable plan would be to divide the State into three Districts, each consisting of three Judicial Circuits, so as to equalise the labor of the Chancellors, and diffuse the benefits of the system as generally as possible, and appointing a Chancellor for each District, and requiring him to reside in it. It is proper to remark, that it is important to the success, and the utility of the system, that a sufficient salary should be attached to the office of Chancellor to command the first order of talents.

Although decidedly in favor of an economical administration, there is another class of officers whose salaries are entirely inadequate. I allude to the Secretary of State, the State Treasurer, and the Comptroller of Public Accounts.

Nothing adds more to the importance of a State, than the character of its public officers, and

in order to enable them to maintain that dignity, which is due to their official stations, they ought to be liberally paid. It is true that the employment and duties of these offices do not consume all the time of the officers employed in them. But then they occupy so large a portion of it, as to preclude the possibility of their engaging in any other business, without incurring the risk of neglecting their official duties. My own opinion is, that they ought to receive at least fifteen hundred dollars, each.

I also respectfully recommend to you the propriety of placing the office of Attorney General on a different footing, by requiring that officer to give legal opinions to the different Executive officers, whenever they might require it, in relation to the discharge of their official duties; to attend to business in which the State may be a party in the Supreme Court; prepare bills on important subjects, whenever he might be required by Committees of the Legislature; and repealing that part of the law, which requires him to act as Solicitor.

The boundary line between this State and Georgia, is still unsettled. It will be recollected, mark, and would, it is believed, to a great extent relieve our commission merchants, resident in the city of Mobile, from the numerous imputations, that have been, either justly, or unjustly that an attempt was made in 1826, to run this by the co-operation of the two States, which resulted in a disagreement between the Commissioners. I beg leave again especially to press upon you the necessity of providing some mode of finally disposing of a question, that will increase in difficulty the longer it is postponed. Indeed it has been delayed longer already, than the character and dignity of the State would justify.

I have the honor to transmit to you copies of Joint Resolutions of the Legislatures of Maryland and Mississippi, in relation to an extension of the franking privilege: of the State of Arkansas in relation to the public domain: of the Legislatures of Ohio and Rhode Island, upon the subject of the annexation of Texas to the United States: of the Legislature of Georgia in relation to the alleged refusal of the Governor of Maine to deliver up to the Executive authorities of Georgia certain fugitives from justice: and of the Legislature of Kentucky in relation to the currency, and administration of the General Government; all of which, I am requested by the Governors of the aforesaid States to lay before you. Most, if not all of these Resolutions relate to subjects intimately connected with the rights of the individual States of this Union, and I recommend them to your deliberate and respectful consideration.

Entertaining the opinions I do, with respect to the relative powers of the State and Federal Government, and believing that the success, as well as the perpetuity of our institutions depend upon confining each to the sphere of action prescribed for it by the Constitution, I have intentionally avoided introducing any question of general politics to your notice, in this communication. It has nevertheless, been a source of the highest gratification, in the great conflict that has been going on between the friends of a National Bank, and the advocates of a Constitutional Treasury, to perceive that a large majority of the people of this State have taken their stand on the high ground of constitutional liberty.

Indulging the hope, and cherishing the belief, that you will enter upon the duties before you, in a spirit of mutual conciliation and elevated patriotism, I fervently beseech the Supreme Law Giver of the Universe, to overrule, and direct all your deliberations, so as to promote the interests and welfare, the honor and happiness of the people of the State of Alabama.

A. P. BAGBY.

On motion of Mr. Fleming, the message was laid on the table and one thousand copies ordered to be printed.

On motion of Mr. Welborn the Senate adjourned until to-morrow morning ten o'clock.

*Wednesday, December 5.*—The Senate met pursuant to adjournment. Mr. President presented the Comptrollers annual Report, with accompanying statement, shewing the amount of money drawn from the Treasury growing out of the late Seminoles and Creek Indian disturbances, pursuant to acts of appropriations by the General Assembly of the State of Alabama, which on motion of Mr. Cottrell, was laid on the table and fifty copies ordered to be printed.

Mr. President presented sealed documents concerning a contested election, which were referred to the committee on privileges and elections.

Mr. Hudson presented an account of Daniel Joslin against the State of Alabama for monies expended &c., which was referred to the committee on accounts and claims.

Mr. McClellan presented the report of the Coosa River Commissioners, which was laid upon the table and fifty copies ordered to be printed.

Mr. Riddle presented a petition of sundry citizens of Greene, praying the establish-

ment of a Branch Bank at Gainesville in the county of Sumpter, and moved that it be referred to the committee on the State Bank, which was so ordered.

Mr. Baylor presented the petition of Caroline M. Thompson, praying the passage of an act to authorise her to act and deal for herself as free trader and sole dealer, which was referred to the committee on propositions and grievances.

Mr. King presented a petition from the citizens of Pickens county for a Branch of the State Bank on the little Tombeckbee, referred to the committee on the State Bank.

Mr. McClellan presented a memorial from the Grand Jurors of Talladega county and moved that it be referred to the Judiciary committee, which was so ordered.

Mr. Toulmin presented the petition of Norman Pinney and others for a charter of the Mobile College, referred to the committee on Education.

Mr. Ward offered a bill to be entitled an act, to repeal an act, entitled an act, to repeal an act exempting certain property from levy and sale by virtue of an execution so far as regards the county of Henry, passed December 2nd, 1837, which bill received two readings and was ordered to be engrossed for a third reading on to-morrow.

Mr. Hudson offered a joint Resolution of the General Assembly of the State of Alabama authorising the Secretary of State to purchase a certain number of copies of Aikins Digest for the use of this State and certain counties thereof, which resolution received its first and was ordered to its second reading on to-morrow.

Mr. Terry offered a bill to be entitled an act to amend the several laws in relation to Grand Juries. The bill received two readings, the constitutional rule being suspended and was referred to the committee on the Judiciary.

Mr. Smith offered the following resolution, *Resolved*, That the committee on the State Printing, be instructed to inquire into the expediency of amending the law relative to the State printer, and to pay him in proportion to the work and labor done—which resolution was adopted.

Mr. Rice offered a bill to be entitled an act to change the time of holding the County Courts in the county of Morgan; which having received two readings was ordered to be engrossed for its third reading on to-morrow.

Mr. Dent offered the following resolution. *Resolved*, That the President of the Senate be authorised to raise an additional committee to be styled a Committee on Indian Expenditures on claims arising out of the late Indian disturbances which resolution was adopted, and Mr. President appointed messrs. Dent, Fraizier, Welborn, Cottrell and Hudson to constitute said committee.

On motion of Mr. Dent, the certificate of the commanding officer of the Dallas county Volunteers for Florida, in relation to the services of Mitchel Roberts, and also John Bay, and their claims to compensation therefor, was taken from the table and referred to the committee on Indian Expenditures.

Mr. Cottrell offered the following resolution which was adopted, *Resolved*, That the House of Representatives concurring herein, the two Houses will assemble in the Hall of the House of Representatives on Saturday next at twelve o'clock meridian, for the purpose of electing a Secretary of State, Comptroller of public Accounts and State Treasurer.

Mr. Cottrell offered the following resolution, *Resolved*, That a committee of ten be appointed, to whom shall be referred all matters connected with the Census of the State and appointment of Senators and Representatives—the resolution was adopted, and messrs. Cottrell, Toulmin, Riddle, King, Welborn, Hudson, Farrar, Terry, Watrons and Rains.

Mr. Welhourn offered a bill to amend an act to incorporate the town of Irwinton in Barbour county, which received two readings and was referred to the committee on the Judiciary.

Mr. Rice offered a bill to be entitled an act to define the limits of the town of Somerville in the county of Morgan, and to incorporate the same, which bill received its first and second reading, and was ordered to a third reading on to-morrow.

Mr. Ross presented a bill to be entitled an act to continue a company beat in the thirty-sixth regiment of Alabama Militia in the county of Wilcox, which bill received its first and second reading, and was ordered to its third reading on to-morrow.

Mr. Ross offered the following resolution, *Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of requiring the sheriffs of the different counties of this State whenever it may be necessary, to levy on land, to satisfy executions in their hands, to give the defendant in execution notice of the same, either by going on the lands of such defendant or a notice in writing left at their place of residence, and that they report by bill or otherwise—the resolution was adopted.

Mr. Toulmin offered a bill to be entitled an act to authorise the Mobile College to confer degrees and to exempt the property thereof from taxation, which received its first and second reading and was referred to the committee on Education.

Mr. President presented the State Treasurers annual Report, which was laid upon the table and fifty copies ordered to be printed.

Mr. Welborn presented an amendment against the Government in favor of Mrs. Watson, which was referred to the committee on Indian expenditures.

Mr. Simmons offered the following resolution, *Resolved*, That the committee on Education be instructed to inquire into the expediency of giving further indulgence on all debts due for the purchases of sixteenth sections, which resolution was adopted.

Mr. Hudson offered the following resolution, *Resolved*, That a committee of three be appointed on the part of the Senate to act with such committee as shall be appointed on the part of the House of Representatives to examine the Comptroller and Treasurers offices to report to the Senate the condition of said offices, and whether the Comptroller and Treasurer have discharged their duties strictly according to law. Mr. President appointed Messrs. Hudson, Dent, and Rice to constitute said committee.

On motion of Mr. Rains, the Senate adjourned until to-morrow morning ten o'clock.

Thursday Dec. 6.—The Senate met pursuant to adjournment. Mr. McClellan presented a petition from the seventy-third regiment of Alabama Militia, which was referred to the committee on military affairs.

Mr. McClellan presented the petition of S. Brazelton and M. P. Johnson, for a charter for the erection of a toll bridge over Tallapoosa River, which was referred the committee on Roads and Bridges.

Mr. Simmons presented the petition of the citizens of Autauga county residing west of the Alabama river, in regard to the management of the School fund arising from the sixteenth section, which was referred to the committee on Education.

Mr. Simmons from the committee on Propositions and Grievances, to which was referred the petition of William Hester late tax collector of Franklin county, reported a bill prescribing the duties of the Treasurer of Franklin county, which bill received its first reading and was ordered to its second reading on to-morrow.

Mr. Rodgers introduced a bill to alter and amend an act, to provide for the sale of lands and slaves at the town of Courtland in certain cases; approved December 21st, 1837, which bill was read the first time and ordered to its second reading on to-morrow.

Mr. Terry introduced a bill to incorporate the Union Hotel company of Huntsville, Alabama, which received its first and second reading the Constitutional rule being suspended and was referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Phelan—Mr. President: the House of Representatives has passed a bill to regulate the time of holding the county courts for the county of Butler, in which they ask the concurrence of the Senate. They concur in the resolution of the Senate, proposing the appointment of a Joint committee to examine and report upon the management and condition of the Comptrollers and Treasurer's offices, and have appointed on their part, Messrs. McAlpin of G. Williams of T. and McAlpin of M.

Engrossed Bill from the House of Representatives, entitled an act to regulate the time of holding the county courts for the county of Butler, received its first reading—on motion the constitutional rule requiring bills to be read on three several days was suspended and the bill received its second reading. Mr. Cottrell offered an amendment, which with the bill was on motion of Mr. Smith, laid on the table.

A message from the Governor by Mr. Gooch laying before the Senate the reports of



the Bank Commissioners of the State of Alabama, appointed under the act of the 23d December, 1837, was received; on motion of Mr Terry, the reports were laid upon the table and one thousand copies ordered to be printed.

Mr Wilson introduced a bill to be entitled an act, to repeal in part an act to increase the pay of Jurors in certain counties therein named, which having received its first reading, was ordered to its second reading on to-morrow.

Mr Terry presented the account of Thomas Reders Jr., Sheriff of Limestone county for keeping and victualling a State prisoner who was insolvent, which was referred to the committee on accounts and claims.

Mr Ward presented an account of E. H. Garland, sheriff of Henry county, for monies expended, which was referred to the committee on accounts and claims.

Mr Wellborn presented the account of John Sloan for services rendered in the Creek Nation, which was referred to the committee on Indian expenditures.

The Senate then proceeded to the orders of the day; the engrossed bill to be entitled an act to change the time of holding the county courts in the county of Morgan, was read the third time and the bill passed the Senate.

The engrossed bill to be entitled an act, to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Henry, passed December 2d, 1837, was read the third time and passed the Senate.

The Joint resolutions of General Assembly of the State of Alabama, authorising the Secretary of State to purchase a certain number of Aikins' Digest for the use of this State and certain counties thereof, was read a second time and ordered to be engrossed for its third reading on to-morrow.

The bill to be entitled an act to define the limits of the town of Somerville, in the county of Morgan and to incorporate the same, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to continue a company beat in the thirty-sixth regiment of Alabama Militia in the county of Wilcox, was read the second time and referred to the committee on military affairs.

Mr Lee presented a bill to be entitled an act to prevent surprises and injury to defendants, which having received its first reading, the constitutional rule was suspended and the bill read the second time and referred to the committee on the Judiciary.

Mr Watrous introduced a bill to be entitled an act to incorporate the Wetumpka insurance company, which was read the first time and ordered to a second reading on to-morrow.

Mr Dent introduced a bill to be entitled an act, to repeal an act, entitled an act declaring Sipsey river a public highway, which was read the first time and ordered to its second reading on to-morrow.

Mr Simmons introduced a bill to be entitled an act to establish the Swift Creek Manufacturing Company in the county of Autauga, which was read the first time and ordered to a second reading on to-morrow.

Mr Watrous introduced the following resolution, *Resolved*, That the committee on the Judiciary be intrusted to inquire into the expediency of changing the mode of appointing the clerks of the county and circuit courts of this State with leave to report by bill or otherwise, which resolution was adopted.

Mr Lloyd introduced a bill to be entitled an act to authorise the sheriff of Blount county to serve process issued by Justices of the Peace of said county, which having received its first reading was ordered to its second reading on to-morrow.

Mr Cottrell introduced the following resolution, *Resolved*, That the Senate will this day at twelve o'clock go into the election of a committee of three to act with such committee as shall be appointed on the part of the House of Representatives to inspect the general accounts and books of the Bank of the State of Alabama and the statements of the several Branch Banks made to said State Bank, with the power and authority specified in the twelfth section of the establishing said bank of the State of Alabama. In pursuance of said resolution at twelve o'clock the Senate proceeded to the election of the committee Messrs Riddle, Lee, Watrous, Rice, and Baylor being in nomination.

Those who voted for Mr. Riddle are, Messrs. President Baylor Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lloyd McClellan McVay Ross Rice Rains Simmons Smith Ward Watrous Weiborn—21.

Those who voted for Mr. Lee are, messrs. President Baylor Cottrell Dent Fleming King McClellan McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Ward Watrous Wilson Weiborn—20.

Those who voted for Mr. Watrous are, messrs. Baylor Dent Frazier Hill Hudson King Lee Raines Riddle and Weiborn—10.

Those who voted for Mr. Rice are, messrs. President Cottrell Fleming Farrar Hudson Lee Lloyd McClellan Ross Riddle Rogers Simmons Terry Ward and Wilson—15.

Those who voted for Mr. Baylor are, messrs. Farrar Frazier Hill Lea Lloyd McVay Rice Rogers Smith Terry Watrous and Wilson—12.

Messrs. Riddle, Lee, and Rice having the highest number and a majority of the votes given, were declared by Mr. President elected members of the committee.

On motion of Mr. Fleming the Senate adjourned until to-morrow ten o'clock.

*Friday, December 7th.*—The Senate met pursuant to adjournment.

Mr. McClellan presented the petition of numerous citizens for the prohibition of the retailing of ardent spirits, which was referred to the committee on propositions and grievances.

Mr. Simmons presented the petition of numerous citizens for the prohibition of the retailing of ardent spirits which was referred to the committee on propositions and grievances.

Mr. Rice presented a petition from the citizens of Lawrence county for the prohibition of the retailing of spiritous liquors, which was referred to the committee on propositions and grievances.

Mr. King presented the petition of the citizens of Pickens county for the establishment of a Branch of the Bank of the State of Alabama, on the Little Tombigbee river; which was referred to the committee on the State Bank.

Mr. Dent from the committee on Indian Expenditures, to which was referred the claims of several persons, growing out of the late disturbances with the hostile indians, reported a bill to be entitled an act for the relief of certain persons therein named; which was read the first time, and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr. Phelan—Mr. President: The House of Representatives concur in the resolution of the Senate, to go into the election of Secretary of State, Comptroller of Public Accounts and State Treasurer, on Saturday next, at 12 o'clock, meridian, and have amended the same by adding the following thereto, viz: Also, a Judge of the county court for the county of Talladega, a Judge of the county court for the county of Marshall; and a Judge of the county court for the county of Jackson. The House have also elected Messrs. Porter, Smith of M. and Shortridge as a joint committee to act with the committee appointed on the part of the Senate to examine into the affairs of the Bank of the State of Alabama; which message was concurred in by the Senate.

Mr. Ross introduced a bill to be entitled an act authorising an additional number of jurors to be summoned in the county of Wilcox; which having received its first reading, the constitutional rule requiring bills to be read on three several days was suspended, the bill received its second reading, and was ordered to be engrossed for a third reading on to-morrow.

Mr. Dent offered the following resolution: *Resolved*, That the Senate, with the concurrence of the House of Representatives, will assemble in the Representative Hall, on Saturday next, at twelve o'clock, to elect a Judge of the county court of Tuscaloosa county. The report was adopted.

Mr. McClellan introduced a bill to be entitled an act to incorporate the Marble Spring Academy, in the county of Talladega; which was read the first time and ordered to a second reading on to-morrow.



Mr Rice introduced a bill to be entitled an act to exempt from execution and sale forty acres of land, and for other purposes; which was read the first time and ordered to a second reading on to-morrow.

Mr Riddle introduced the following resolution: *Resolved*, that the President of the State Bank be required to furnish the Senate information, whether said Bank has made any advances on cotton, and if so, under what rules and regulations; what amount said Bank has advanced; what proportion of the value of cotton is advanced; and how much it is expected said Bank will advance the present season, if cotton is offered; and such other information relative to such advances as he may think proper to communicate; which resolution was adopted.

Mr Wilson introduced a bill to be entitled an act to authorize the sheriff of Marion county to perform certain services therein named; which was read the first time and ordered to its second reading on to-morrow.

The engrossed bill to be entitled an act to regulate the time of holding the county courts for the county of Butler, was taken from the table and on motion, referred to a select committee. Mr President announced messrs. Henderson, Cottrell and Simmons, as constituting said committee.

Mr King introduced a bill to be entitled an act to establish a Branch of the Bank of the State of Alabama, at \_\_\_\_\_ on the Little Bigby river; which, having received its first reading, the constitutional rule was suspended, the bill was read its second time, and referred to the committee on the State Bank.

Mr Rice offered the following resolution: *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of allowing the several sheriffs and constables of this State reasonable fees for the collection of executions for costs only; which was adopted.

Mr Watrous offered the following resolution: *Resolved*, That the committee be instructed to inquire into the expediency of repealing the act giving to the Orphans' Court power to order the sale of real estate; which resolution was adopted.

On motion of Mr. Cottrell, the Senate resolved itself into a committee of the whole on the Governor's message. Mr Hudson in the chair—after some time spent therein the committee rose and reported the following resolutions which were adopted by the Senate.

1. *Resolved*, That so much of the Governor's message as relates to the Cherokee and Creek services, be referred to the committee on Indian expenditures.
2. *Resolved*, That so much of the Governor's message as relates to the Bank of the State of Alabama and its Branches, be referred to the committee on the State Bank.
3. *Resolved*, That so much of the Governor's message as relates to the University of Alabama be referred to the committee on education.
4. *Resolved*, That so much of the Governor's message as as relates to the subject of Internal Improvement, be referred to the committee on that subject.
5. *Resolved*, That so much of the Governor's message as relates to our criminal code and administration of the criminal, and in connection therewith, the establishment of a State Penitentiary, be referred to the Judiciary Committee.
6. *Resolved*, That so much of the Governor's message as relates to the retailing of spirituous liquors, be referred to the committee on propositions and grievances.
7. *Resolved*, That so much of the Governor's message as relates to the want of a separate Court of Chancery, be referred to the Judiciary Committee.
8. *Resolved*, That so much of the Governor's message as relates to associations or combinations of individuals who are exercising the privileges of banking in this State, be referred to the Judiciary committee.

A message from the Governor, by Mr Gooch:

Gentlemen of the Senate and House of Representatives—Herewith I have the honor to lay before you the resignations that have taken place, and appointments made to offices to be filled

by the General Assembly since your last adjournment. Richard Locke, Judge of the county court of Pike county, vice Abraham Miles resigned. Washington T. May, Judge of the county court of Marshall county, vice Lewis Wyeth resigned. John A. Nooe, Judge of county court of Franklin county, vice Gregory D. Stone, deceased. James E Belser, Solicitor of the eight Judicial circuit, vice George D. Shortridge, resigned.

I have the honor to be, your obt. servt.

A. P. BAGBY.

The message was laid on the table, the Senate then proceeded to the orders of the day.

The engrossed bill to be entitled an act to define the limits of the town of Somerville, in the county of Morgan, and incorporate the same, was read the third time and passed the Senate.

The engrossed Joint resolutions of the General Assembly of the State of Alabama, authorising the Secretary of State to purchase a certain number of copies of Aikins' Digest for the use of the State, and certain counties thereof, was read a third time and the blank filled with "five hundred" and the resolution passed the Senate.

A bill to be entitled an act prescribing the duties of the county Treasurer of Franklin county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act, to alter and amend an act, entitled an act to provide for the sale of land and slaves at the town of Courtland in certain cases, approved 26th December, 1837, was read a second time, ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to authorise the sheriff of Blount county, to serve process issued by Justices of the Peace of said county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to establish the Swift Creek Manufacturing company in the county of Autauga, was read the second time and referred to the committee on the Judiciary.

The bill to be entitled an act, to repeal in part an act to increase the pay of Jurors in certain counties therein named, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Wetumpka Insurance Company, was read a second time and referred to the committee on the Judiciary.

The bill to be entitled an act, to repeal an act, entitled an act declaring Sipsey river a public highway, was read a second time and ordered to the committee on Inland Navigation and Internal Improvement.

Mr. Frazier introduced a bill to be entitled an act, to repeal in part and amend the Militia Law of this State, was read the first time, the constitutional rule suspended and the bill received its second reading and was referred to the committee on Military affairs.

Mr. Riddle offered the following resolution, *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law, authorising suit to be maintained against one partner served with process when the co-partnership has been dissolved where the suit is brought on an unliquidated account with leave to report by bill or otherwise.

Mr. Dent offered the following resolution, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing an election precinct at the house of Thomas I. Wash, in the county of Tuscaloosa, and establish one in lieu thereof, at the house of Joshua Palmores, also the expediency of establishing one at the house of John McCray in the county of Tuscaloosa, which was adopted.

On motion of Mr. Lee, Mr. Fleming was added to the committee on the State Bank, and Mr. Smith to the committee on inland navigation and internal improvement.

On motion of Mr. Terry, the Senate adjourned until to-morrow morning ten o'clock.

*Saturday, December 8th.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Phelan—Mr. President: The House of Representatives has passed a bill to incorporate the town of Jacksonville in the county of Benton. They have also adopted a Joint Resolution, in relation to the Library room, in which they ask the concurrence of the Senate.

The bill and Joint Resolutions not being engrossed were on motion of Mr. Hudson, sent back to the House of Representatives for that purpose.

Message from his Excellency the Governor.

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 8th 1838.

*Gentlemen of the Senate and House of Representatives*—During the last session of the Legislature, a vacancy occurred in the Board of Trustees of the University of Alabama in consequence of the resignation of Charles D. Conner, Esqr. that vacancy still exists and it is desirable that it should be filled as early as may comport with the convenience of the General Assembly.

A. P. BAGBY.

*Hon. James M. Calhoun, President of the Senate.*

On motion the message was laid upon the table.

Mr. President presented the report of the President of the Bank of the State of Alabama, which was laid on the table and one hundred copies ordered to be printed.

Mr. Dent presented an account of Ferguson and Eaton, which was referred to the committee on accounts and claims.

Mr. Henderson from the select committee, consisting of Messrs. Henderson, Cottrell, and Simmons to whom was referred the engrossed bill to be entitled an act to regulate the time of holding the county courts of the county Benton, reported the same as therein shewn. The amendments were concurred in and the bill read a third time and passed the Senate.

Message from the House of Representatives by Mr. Phelan—Mr. President: The House of Representatives concur in the resolution to assemble in the Representative Hall, at twelve o'clock, to elect a Judge of the county court of Tuscaloosa county, with the following amendment; also a State Printer and Solicitor, of the eighth Judicial circuit, in which they ask the concurrence of the Senate. The message from the house of Representatives was concurred in.

Mr. Fleming offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of passing a law to appoint an agent or commissioner for the State Bank and each of the Branch Banks, for the purpose of extending, enforcing and collecting the debts due and becoming due to said Banks, or to such of them as it may be deemed necessary; with leave to report by bill or otherwise. The resolution was adopted.

Mr. Farrar introduced a bill to be entitled an act to repeal in part an act to attach a part of Benton county to Talladega county, and for other purposes; which was read the first time and ordered to a second reading on Monday next.

Mr. Devereux introduced a bill to be entitled an act to incorporate the town of Aberfoil in the county of Macon; which received its first reading and was ordered a second reading on Monday.

The Senate proceeded to the orders of the day.

The bill to be entitled an act for the relief of certain persons therein named,

was read the second time; and on motion of Mr Hudson was referred back to the committee on Indian Expenditures.

The bill to be entitled an act to authorise the sheriff of Marion county to perform certain services therein named, was read a second time and referred to the committee on the Judiciary.

The bill to be entitled an act to incorporate the Marble Spring Academy in the county of Talladega, was read a second time and referred to the committee on Education.

The bill to be entitled an act to exempt from execution and sale forty acres of land, and for other purposes; was read a second time and referred to the committee on the Judiciary.

The engrossed bill to be entitled an act prescribing the duties of the County Treasurer of Franklin county was read a third time, and passed the senate.

The engrossed bill to be entitled an act to repeal in part an act entitled an act to increase the pay of Jurors in certain counties therein named; was read a third time and passed the Senate.

The engrossed bill to be entitled an act to alter and amend an act entitled an act to provide for the sale of lands and slaves in the town of Courtland in certain cases, approved 21st December, 1837, was read a third time and passed the Senate.

The engrossed bill to be entitled an act authorizing an additional number of Jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox, was read a third time and passed the senate.

Mr President introduced a bill to be entitled an act to devolope and improve the internal resources of the state of Alabama; which received its first reading, and was ordered to be read a second time on Monday.

Mr. Toulmin introduced a bill to be entitled an act the more effectually to prohibit free negroes or persons of color from entering into and remaining in this State; which was read the first time and ordered to a second reading on Monday.

Mr. Hudson offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency and propriety of passing some law allowing constables and justices of the peace, pay for services rendered in executing and issuing state warrants, &c. when the State fails in the prosecution; with leave to report by bill or otherwise.

On motion of Mr McClellan, the report of the Coosa river commissioners was taken from the table and referred to the committee on inland navigation and internal improvement.

On motion of Mr Rains, the reports of the Presidents of the Branch Banks at Mobile and Montgomery were taken from the table and a hundred copies ordered to be printed.

Mr Terry presented an account of Watkins Clay; which was referred to the committee on Indian expenditures.

Message from the House of Representatives by their principal clerk, Mr Garrett. Mr President, I am instructed by the House of Representatives to invite the Senate into the Hall of the House, for the purpose of going into the election of sundry officers, according to a resolution of the two Houses; whereupon the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the convention of the two Houses.

The two Houses then proceeded to the election of a Secretary of State, Thomas B. Tunstall alone being in nomination.

Those who voted for Mr Tunstall are Messrs President, Baylor, Cottrell, Dent, Devereaux, Farrar,

Frazier, Fleming, Henderson, Hill Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rodgers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn, Wilson, of the Senate. Messrs Speaker Abercrombie, Andrew Baldwin, Baker, Bates, Blassingame, Bolling, Booth, Boston, Carmack, Clanton, Clifton, of C. Clifton, of D. Cook, of F. Cook, of L. Crawford, Crayton, Creagh, Crenshaw, Douglass, Earle, Ellis, Esselman, Finley, Garner, Godbold, Golding, Grigsby, Hall, Hammond, Hampton, Hancock, Harris, Harrison, Henderson, High, Hilliard, Hogg, Hollis, Holley, Jones, of B. Jones, of C. Kennedy, Martin, Mason, McAlister, McAlpin, of G. McAlpin, of M. McClannahan, of M. McClannahan, of S. McConnell, McKnight, McMillion, Meade, Mills, Mitchell, Morris, Morrow, Moore, of Madison, Moore, of Marengo, Moore, of W. Murphy, Neely, Payne, Peters, Phillips, Philpot, Porter, Priest, Rogan, Rutherford, Searcy, Shields, Shortridge, Simmons, Slater, Smith, of D. Smith, of M. Sommers, Tarver, Taylor, of F. Taylor, of M. Vining, Walker, Warren, Weissinger, Williams, of J. Williams, of T. Wilson, Withers, Wright, Wynne, and Young.

Mr Tunstall having received all the votes given, Mr Speaker declared him duly elected Secretary of State.

The two Houses then proceeded to the election of a Comptroller of Public Accounts, Jefferson C. Van Dyke alone being in nomination.

Those who voted for Mr Vandyke are Messrs. President, Baylor, Cottrell, Dent, Deveraux, Farrar, Frazier, Fleming, Henderson, Hill, Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rodgers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn and Wilson of the Senate. Messrs Speaker Abercrombie, Andrew Baldwin, Baker, Bates, Blassingame, Bolling, Booth, Boston, Carmack, Clanton, Clifton, of C. Clifton, of D. Cook, of F. Cook, of L. Crawford, Crayton, Creagh, Crenshaw, Douglass, Earle, Ellis, Esselman, Finley, Garner, Godbold, Golding, Grigsby, Hall, Hammond, Hampton, Hancock, Harris, Harrison, Henderson, High, Hilliard, Hogg, Hollis, Holley, Jones, of B. Jones, of C. Kennedy, Martin, Mason, McAlister, McAlpin, of G. McAlpin, of M. McClannahan, of M. McClannahan, of S. McConnell, McKnight, McMillion, Meade, Mills, Mitchell, Morris, Morrow, Moore, of Mad. Moores, of Mar. Moore, of W. Murphy, Neely, Payne, Peters, Phillips, Philpot, Porter, Priest, Rogan, Rutherford, Searcy, Shields, Shortridge, Simmons, Slater, Smith, of D. Smith, of M. Sommers, Tarver, Taylor, of F. Taylor, M. Vining, Walker, Weissinger, Williams, of J. Williams, of T. Wilson, Withers, Wright, Warren, Wynn and Young.

Mr Van Dyke having received all the votes given, Mr Speaker declared him duly elected Comptroller of Public Accounts.

The two Houses then proceeded to the election of State Treasurer, William Hawn alone being in nomination.

Those who voted for Mr Hawn are Messrs. President, Baylor, Cottrell, Dent, Deveraux, Farrar, Frazier, Fleming, Henderson, Hill, Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rodgers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn and Wilson of the Senate. Messrs. Speaker Abercrombie, Andrew Baldwin, Baker, Bates, Blassingame, Bolling, Booth, Boston, Carmack, Clanton, Clifton, of C. Clifton, of D. Cook, of F. Cook, of L. Crawford, Crayton, Creagh, Crenshaw, Douglass, Earl, Ellis, Esselman, Findley, Garner, Godbold, Golding, Grigsby, Hall, Hammond, Hampton, Hancock, Harris, Harrison, Henderson, High, Hilliard, Hogg, Hollis, Holly, Jones, of B. Jones, of C. Kennedy, Martin, Mason, McAlister, McAlpin, of G. McAlpin, of M. McClannahan, of M. McClannahan, of S. McConnell, McKnight, McMillion, Meade, Mills, Mitchell, Morris, Morrow, Moore, of Mad. Moore, of Mar. Moore, of W. Murphy, Neely, Payne, Peters, Phillips, Philpot, Porter, Priest, Rogan, Rutherford, Searcy, Shields, Shortridge, Simmons, Slater, Smith, of D. Smith, of M. Sommers, Tarver, Taylor, of F. Taylor, of M. Vining, Walker, Warren, Weissinger, Williams, of J. Williams, of T. Wilson, Withers, Wright, Wynn and Young.

Mr Hawn having received the whole number of vote given, Mr Speaker declared him duly elected State Treasurer.

The two Houses then proceeded to the election of a Judge of the county Court for the county of Talladega, Greene T. McAfee alone being in nomination.

Those who voted for Mr McAfee are Messrs President, Baylor, Cottrell, Dent, Deveraux, Farrar, Frazier, Fleming, Henderson, Hill, Hudson, King, Lee, Lloyd, McClellan, McVay, Ross, Rice, Rains, Riddle, Rogers, Simmons, Smith, Terry, Toulmin, Ward, Watrous, Wellborn and Wilson of the Senate. Messrs. Speaker Abercrombie, Andrew Baldwin, Baker, Bates, Blassengame, Bolling, Booth, Boston, Carmack, Clanton, Clifton, of C. Clifton, of D. Cook, of F. Cook, of L. Crawford, Crayton, Creagh, Crenshaw, Douglass, Earle, Ellis, Esselman, Findley, Garner, Godbold, Golding, Grigsby, Hall, Hammond, Hampton, Hancock, Harris, Harrison, Henderson, High, Hilliard, Hogg, Hollis, Holley, Jones, of B. Jones, of C. Kennedy, Martin, Mason, McAlister, McAlpin, of G. McAlpin, of M. McClannahan, of M. McClannahan, of S. McConnell, McKnight, McMillion, Meade, Mitchell, Morris, Morrow, Moore, of Mad. Moore, of Mar. Moore, of W. Murphy, Neely, Payne, Peters, Phillips, Philpot, Porter, Priest, Rogan, Rutherford, Searcy, Shields, Shortridge, Simmons, Slater, Smith, of D. Smith, of M. Sommers, Tarver, Taylor, of F. Taylor, M. Vining, Walker, Warren, Weissinger, Williams, of J. Williams, of T. Wilson, Withers, Wright, Wynn and Young.

Mr McAfee having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county Court of Talladega county.

The two Houses then proceeded to the election of a Judge of the county

court of Marshall county, Peter Kilfooy and Washington T. May being in nomination.

Those who voted for Mr Kilfooy are Messrs Farrar Hill King Lloyd Simmons Smith and Wilbourn of the Senate—and Messrs Andrew Booth Clifton of C. Crawford Crayton Creagh Earle Ellis Golding Harrison Hogg Hollis Holley Jones of B Jones of C. Martin McAllister McAlpin of G. Meade Mills Mitchell Morris Moore of Mad. Moore of Mar. Murphy Neily Payne Philpot Porter Rogan Rutherford Searcy Simmons Slater Smith of D Smith of M. Sommers Taylor of M Vining Warren and Young of the House of Representatives.

Those who voted for Mr May are messrs. President Baylor Cottrell Dent Devereux Fleming Frazier Henderson Hudson Lea McClellan McVay Ross Rice Rains Riddle Rodgers Terry Toulmin Ward and Wilson of the Senate—and Messrs Speaker Abercrombie Baldwin Baker Bates Blessingame Bolling Boston Carmack Clanton Clifton of D Cook of F. Cook of L. Crenshaw Douglass Esselman Finley Garner Godbold Grigsby Hall Hammond Hampton Hancock Harris Henderson High Hilliard Kennedy Mason McAlpin of M McKnight McMillion Morrow Moore of W Peters Phillips Priest Shields Shortridge, Tarver Taylor of F Walker Weissinger Williams of J Williams of T Wilson Withers Wright and Wynn of the House of Representatives.

Mr May having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Marshall county.

The two Houses then proceeded to the election of a Judge of the county court for the county of Jackson, Thompson M Rector alone being in nomination.

Those who voted for Mr Rector are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellbourn and Wilson of the Senate. Messrs Speaker Abercrombie Andrew Baldwin Baker Bates Blessingame Bolling Booth Boston Carmack Clanton Clifton of C Clifton of D Cook of F. Cook of L Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D Smith of M. Sommers Tarver Taylor F Taylor of M Vining Walker Warren Weissinger Williams of J Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Rector having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Jackson county.

The two Houses then proceeded to the election of a Judge of the County Court for the county of Tuscaloosa—M. D. Williams alone being in nomination.

Those who voted for Mr Williams are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. Messrs Speaker Abercrombie Andrew Baldwin Baker Bates Blessingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D Smith of M Somers Tarver Taylor of F. Taylor of M Vining Walker Warren Weissinger Williams of J. Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Williams having received the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court, for the county of Tuscaloosa.

The two Houses then proceeded to the election of State Printer, Messrs Hale and Eaton alone, being in nomination.

Those who voted for Messrs Hale and Eaton are Messrs. President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. Messrs Speaker Abercrombie Andrew Baldwin Baker Bates Blessingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neily Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.



Messrs Hale and Eaton having received the whole number of votes given, Mr Speaker declared them duly elected State Printers.

The two Houses then proceeded to the election of a Solicitor for the 8th Judicial circuit, James E Belser alone being in nomination.

Those who voted for Mr Belser are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Boothe Boston Carmack Clanton Clifton of C. Clifton of D. Cook of F. Cook of L. Crawford Crayton Creagh Crepsshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McNight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vinson Walker Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr Belser having received the whole number of votes given, Mr Speaker declared him duly elected Solicitor for the 8th Judicial circuit.

The Senate then retired to the Senate Chamber. Mr President resumed his seat, and on motion of Mr Dent, the Senate adjourned until Monday morning 10 o'clock.

*Monday, Dec. 10*—The Senate met pursuant to adjournment. On motion of Mr Hudson, the Senate reconsidered the vote of Saturday, to return to the House of Representatives a bill to incorporate the town of Jacksonville, in the county of Benton, and a joint resolution in relation to the library, with a request to have them engrossed.

Mr Welbourn, from the committee on military affairs, to whom was referred a resolution directing them to inquire into the propriety of authorising the organization of company beats, with a less number of privates than forty; reported a bill to be entitled an act to authorize regimental courts of inquiry, to organize company beats of a less number of privates than forty; which was read the first time and ordered to a second reading on to-morrow.

Mr McClellan introduced a bill to be entitled an act authorizing Wiley Matheson, guardian of Geo. W. Riley, to transfer said guardianship from the Orphans Court of Jefferson county, to the Orphans Court of Talladega county; which was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Jacksonville, in the county of Benton, received its first reading, and was ordered to a second reading on to-morrow.

The engrossed joint resolution by the Senate and House of Representatives in relation to the library room, was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Terry, the Senate resolved that with the consent of the House of Representatives, the two Houses will assemble this day, the 10th inst. at 12 o'clock noon, in the Hall of the House, for the purpose of electing a Trustee to the University of Alabama, to fill the vacancy occasioned by the resignation of C. D. Connor.

Mr Rogers introduced a bill to be entitled an act for the benefit of the 16th sections of this State; which was read a first time and ordered to a second reading on to-morrow.

Mr Ross offered the following resolution: *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of exempting all persons of the age of fifty years and upwards from serving on patrols, with leave to report by bill or otherwise; the resolution was adopted.

Mr Cottrell introduced a bill to be entitled an act to give the orders of the

county courts made on the distribution of estates of deceased persons, the effect of judgments, which was read the first time and ordered to a second reading on to-morrow.

Message from the House of Representatives by their principal clerk, Mr Garrett. Mr President, the House of Representatives has read and adopted a joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States, in which they ask the concurrence of the Senate.

The engrossed joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, was read and referred to the committee on propositions and grievances.

Mr Hudson introduced the following resolutions: *Resolved*, That a committee of seven be appointed by the chair to be styled "a committee on the state of the Union," to which all matters involving the interest of the United States; which have or may be communicated to this Senate, shall be referred; the resolution was adopted, and Mr President announced Messrs McVay, Hudson, Terry, King, Cottrell, Toulmin and Smith as members of said committee.

On motion of Mr Hudson, copies of resolutions from other States, were taken from the table and referred to the committee on the state of the union.

Mr McClellan offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of establishing an office of discount and deposit, in the town of Jacksonville, in the county of Benton. The resolution was adopted. The Senate then proceeded to the orders of the day.

The bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, and for other purposes, received a second reading, and on motion of Mr McClellan, the bill was laid upon the table.

The bill to be entitled an act to incorporate the town of Aberfoil, in the county of Macon, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act the more effectually to prohibit free negroes, or persons of color, from entering into and remaining in this State, was read a second time. Mr Toulmin moved to amend in the shape of an additional section; and on motion of Mr Hudson, the bill and amendment were referred to the committee on the judiciary.

The bill to be entitled an act to develop and improve the internal resources of the State of Alabama, was read a second time, and on motion of Mr Terry, referred to the committee on inland navigation and internal improvements.

Message from the House of Representatives by Mr Phelan. Mr President, the House of Representatives concur in the resolution of the Senate, proposing to go into the election of a Trustee to the University of Alabama, to fill the vacancy occasioned by the resignation of C. D. Connor, to day at 12 o'clock.

Mr Ross offered the following resolution: *Resolved*, That so much of the Governor's message as relates to the establishment of a public ware-house in the city of Mobile, be referred to a select committee. The resolution was adopted, and Mr President appointed Messrs Ross, Riddle and King, to constitute said committee.

Message from his Excellency the Governor, by Mr Gooch:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 10, 1833.

Gentlemen of the Senate and House of Representatives:

I have the honor to inform you, that on the 2d inst. the Honorable Walker K. Baylor, resigned the office of Judge of the County Court of Jefferson county, and that on the 3d inst. the Honorable William



F. Jones, resigned the office of Judge of the County Court of Clarke county, and that both of said offices are now vacant. A vacancy has also occurred in the office of Solicitor of the sixth Judicial Circuit, by the resignation of Gen. John P. Booth.

The message was laid on the table.

Mr President presented the annual report of the Adjutant and Inspector General of Alabama militia; which on motion of Mr Wellborn, was laid on the table and one hundred copies ordered to be printed.

Mr Frazier offered the following resolution: *Resolved*; That the committee on military affairs be instructed to inquire into the expediency of distributing a portion of the public arms belonging to this State, to each brigade, to be used at brigade drills; also, that said committee be instructed to inquire into the expediency of furnishing officers at brigade drills with tents and camp equipage; which resolution was adopted.

Mr Smith offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of having a suitable number of commissioners or bank marshals appointed for the State Bank, and for each of its branches, invested with power to collect and adjust all debts due to their respective Banks, and to report by bill or otherwise. The resolution was adopted.

Mr Cottrell offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law as to prohibit suits or actions from being commenced against administrators or executors, within twelve months from the probate of the will or grant of letters of administration, and that they report by bill or otherwise. The resolution was adopted.

Mr Terry introduced a bill to be entitled an act for the relief of William Smith of Madison county; which was read the first time and ordered to a second reading on to-morrow.

Mr Fleming offered the following resolution: *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of repealing a law or part of a law now in force, requiring retailers of spiritous liquors to take an oath; with leave to report by bill or otherwise. Mr Fleming called for the yeas and nays. Yeas 11—Nays 17. The resolution was lost.

Those who voted in the affirmative are Messrs Baylor Dent Fleming Hill Hudson Lee Lloyd Ross Rains Riddle and Toulmin.

Those who voted in the negative are Messrs President Cottrell Devereaux Frazier Handerson King McClellan McVay Rice Rogers Simmons Smith Terry Ward Watrous Wilbourn and Wilson.

Mr Baylor offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of giving precedence to all debts due and owing, and to become due to the State Bank and its branches, over those of all other persons, and also as to the expediency of creating a lien by law on the property of all persons at this time indebted, either as maker or endorser of any bill of exchange, principal or security to any note, bond or other obligation to said Bank and its Branches, from and after the time their respective liabilities are incurred. The resolution was adopted.

Message from the House of Representatives, by Mr Garnett, Mr President, I am instructed by the House of Representatives, to invite the Senate into the Hall of the House for the purpose of electing a Trustee of the University of the State of Alabama; whereupon the Senate proceeded to the Hall of the House, were seated, and Mr President announced the object of the convention of the two Houses; the two Houses then proceeded to the election of a Trustee of the University of the State of Alabama—Elisha Merideth, being in nomination.

Those who voted for Mr Merideth, are Messrs President Baylor Cottrell Dent Devereaux Farrar

Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Ross Rice Rains Riddle Rodgers Simmons Smith Terry Toulmin Ward and Wilson of the Senate: and Messrs Speaker Abernethy Andress Baldwin Baker Bates Blassengame Bolling Booth Boston Clanton Clifton of C Clifton D Cook of F Cook D Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B Jones of C Jones of S Kennedy Lipscomb Martin Mason McAlister McAlpin of G McAlpine of M McClannahan of M McClannahan of S McConnell McKnight McMillon Meade Mitchell Morris Morrow Moore of W Murphey Neily Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Simmons Slater Smith of D Smith of M Sommers Tarver Taylor of F Vining Walker Warren Weisinger Williams of J Williams of T Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Meridith having received all the votes given, and a majority of the two Houses, was declared by Mr Speaker, duly elected Trustee of the University of the State of Alabama; the Senate then retired to the Senate Chamber. Mr President resumed his seat; and on motion of Mr Watrous, the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, December 11*—The Senate met pursuant to adjournment. Mr President presented the Report of the President of the Branch of the Bank of the State of Alabama at Huntsville, which was laid upon the table and one hundred copies ordered to be printed in pamphlet form and in connection with the other Bank reports.

Mr Lee from the committee on the Judiciary, to whom was referred a bill to be entitled an act, to prevent injury and surprise to defendants; reported the bill back to the Senate amended as therein shewn: the amendments were concurred in, and the bill as amended ordered to be engrossed for a third reading on to-morrow.

Mr Lee from the same committee, to whom was referred a Resolution of inquiry upon the same subject, reported that the object of said Resolution is fully embraced in the bill reported from the committee, and the passage of which they had recommended to the Senate.

Mr. Riddle from the committee on the Judiciary to whom was referred a bill to be entitled an act to authorise the sheriff of Blount county, to serve process issued by Justices of the Peace; reported the bill back to the Senate, amended as therein shewn: the amendments were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the Judiciary committee to which was referred the bill to be entitled an act, to establish the Swift Creek Manufacturing Company, in the county of Autauga; reported the same back to the Senate with amendments as additional sectional. Mr Simmons called for a division of the question which was ordered, the first amendment being read as follows: Section 3. *Be it further enacted*, that the stockholders in said corporation, shall each in his individual and natural capacity be liable for the debts, contracts and engagements of said corporation as though they were co-partners. Mr Baylor called for the yeas and nays, the amendment being objected to—when there appeared yeas ten, nays eighteen; so the Senate refused to concur in the amendment.

Those who voted for the amendment, are messrs. Baylor Hudson Lloyd McVay Rice Rogers Terry Ward Welbourn and Wilson.

Those who were opposed to it, are messrs. President, Cottrell Dent Devereaux Farrer Fleming Frazier Henderson Hill King Lee McClellan Ross Riddle Simmons Smith Toulmin and Watrous.

The other amendments were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow. Message from his Excellency the Governor.

#### EXECUTIVE DEPARTMENT, TUSCALOOSA, Dec. 11, 1838.

To the Hon. JAMES M. CALHOUN, President of the Senate.

SIR:—I have the honor herewith to lay before the Senate the accompanying Resolution of the Board of Trustees of the University of Alabama, may I also be permitted to add my indi-

vidual wishes that it may be convenient for the members of the Senate to comply with the invitation contained in said Resolution.

I have the honor to be, with perfect respect your most obedient servant, A. P. BAGBY.

*Resolved*, unanimously, by the President and Trustees of the University of Alabama, that the President of this board be requested to invite both branches of the Legislature, Judges of the Supreme Court and Judges of the Circuit Court to attend the commencement at the University on Wednesday next, which was adopted 10th December, 1838.

M. D. WILLIAMS, Secretary.

Mr Lee on leave, offered the following Resolution. *Resolved*, that the Senate accept the invitation of the President of the Trustees of the University and will adjourn on to-day, until Thursday morning, 10 o'clock, and if the House of Representatives also adjourn, will at 9 o'clock, A. M. to-morrow, meet at or in front of the College Chappel for the purpose of joining with the members of the House of Representatives, in the usual procession, and witnessing the annual commencement exercise of the University of the State. The Resolution was adopted.

Mr Hudson offered the following Resolution: *Resolved*, that the committee on county boundaries, be instructed to inquire into, and ascertain as near as may be, whether or not some of the new counties are not under the constitutional limits, and if so, what alteration is necessary to make them constitutional counties, and that they have leave to report by bill or otherwise; the Resolution was adopted.

Mr Lee introduced a bill, to be entitled an act in relation to taxes on real estate which was read the first time and ordered to a second reading on to-morrow.

Mr McClellan introduced a bill to be entitled an act to authorise certain persons therein named to erect certain machinery on Chockolocko creek in the county of Talladega; the bill was read the first time and ordered to a second reading on to-morrow.

Mr Hudson offered the following Resolution: *Resolved*, that the Judiciary committee be instructed to inquire into the expediency of passing a law prohibiting merchants and shop keepers, from retailing spiritous liquors in less quantity than one gallon, and that not to be drank on the premises where it was sold, with leave to report by bill or otherwise: the Resolution was adopted.

Mr Rice presented the accounts of Joseph Rutherford, which were referred to the committee on accounts and claims.

Mr Terry presented a supplemental report of the Adjutant and Inspector General Alabama militia, which was laid on the table and one hundred copies ordered to be printed.

The Senate then proceeded to the orders of the day. The bill to be entitled an act for the relief of William Smith, of Madison county, received a second reading and was ordered to be engrossed for a third reading on to-morrow.

Message from the House of Representatives, by Mr Prehan: Mr President, the House of Representatives passed bills of the following titles, viz:

An act permanently to locate the seat of justice in Pike county and for other purposes.

An act to change the time of holding the County Court of Autauga county.

An act to authorise the continuance of a company beat, in the county of Wilcox, with a less number of privates than forty.

An act to change the time of holding the winter terms of the County Courts of Tuscaloosa county.

An act to incorporate a Fire Company therein named.

An act for the relief of persons therein named.

An act to compensate the Commissioners of Revenue and Roads, in the county of De Kalb, in which it ask the concurrence of the Senate.

The House of Representatives concur in the amendments made to their bill to change the time of holding the County Courts for the county of Butler.

The engrossed bill from the House of Representatives, to be entitled an act permanently to locate the seat of justice in the county of Pike, and for other purposes, received its first reading, and was ordered to a second reading on to-morrow.

The engrossed bill from the house of Representatives to be entitled an act to change the time of holding the County Courts of Autauga county, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the house of Representatives, to be entitled an act, to authorise the continuance of a company beat, in the county of Wilcox, with a less number than forty privates; was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the house of Representatives, to be entitled an act to change the time of holding the winter terms of the County Court of Tuscaloosa county, was read the first time, and ordered to a second reading on to morrow.

The engrossed bill from the house of Representatives, to be entitled an act to incorporate a Fire Company therein named, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the house of Representatives, to be entitled an act for the relief of certain persons therein named, was read the first time and ordered to a second on to-morrow.

The engrossed bill from the house of Representatives, to be entitled an act to compensate the Commissioners of Revenue and Roads in the county of DeKalb, was read the first time, and ordered to a second reading on to-morrow.

The bill to be entitled an act to give to the orders of the County Courts made upon the distribution of estates of deceased persons, the effects of judgements, was read the second time and referred to the committee on the Judiciary.

The bill to entitled an act for the benefit of the sixteenth sections of this State, was read a second time and referred to the committee on Education.

Engrossed Joint Resolutions of the Senate and house of Representatives, in relation to the Library, was read a third time and passed.

Message from his Excellency the Governor, by Mr Goode, his Private Secretary.

#### EXECUTIVE DEPARTMENT, Tuscaloosa, December 11, 1838.

SIR:—I have been requested to lay before the two Houses of the General Assembly, the accompanying Memorial and beg leave to recommend it to your respectful consideration.

I have the honor to be, your most obedient servant,

A. P. BAGBY.

Hon. James M. Calhoun, President of the Senate.

On motion, the memorial of Mr Sessions and family, was referred to a select committee: Mr Priest named messrs Riddle, Smith and Cottrell to constitute said committee.

The engrossed bill from the house of Representatives, to be entitled an act to incorporate the town of Jacksonville in the county of Benton, was read a second time and on motion of Mr McClellan, was referred to a select committee. Mr President appointed messrs McClellan, Baylor and Cottrell, to constitute said committee.

The bill to be entitled an act authorising Wiley W. Mattison, guardian of George W. Riley to transfer said guardianship from the Orphans Court of Jel-

erson county, to the Orphans Court of Talladega county, was read a second time and on motion of Mr Baylor referred to the committee on the Judiciary, with instructions to enquire into the expediency of passing a general law upon the same subject, with leave to report by bill or otherwise.

The bill to be entitled an act to organise Company Beats of a less number of privates than forty, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to be entitled an act to incorporate the town of Aberfoil, in the county of Macon, was read the third time and passed the Senate.

Mr Lee introduced a bill to be entitled an act to secure to the community the benefits of an extended and undepreciating currency: the bill was read the first time, and on motion, laid on the table and fifty copies ordered to be printed.

On motion of Mr Rice, the Senate adjourned until Thursday morning, ten o'clock.

*Thursday, December 13*—The Senate met, pursuant to adjournment. Mr Ross, presented an account of John W Stewart, which was referred to the committee on Accounts and Claims.

Mr President presented the account of John Love, jailor of Dallas county, which was referred to the committee on Accounts and Claims.

Mr Wellborn, presented a memorial of a committee of a meeting of the citizens of Irwinton, Barbour county, which on motion was referred to a select committee. Mr President appointed Messrs Wellborn, Devereaux and Mays said committee.

Mr Baylor presented a petition from John Harris and Roland J. Locke of Jefferson county, which was referred to the committee on the State Bank.

Mr Toulmin, presented the Quarter master Generals report for 1838, which was referred to the committee on military affairs.

Mr McClellan from the select committee to which was referred the bill to be entitled an act to incorporate the town of Jacksonville, in the county of Benton, from the house of Representatives, reported back the same to the Senate, with amendments as therein shewn—the amendments were concurred in, and the bill ordered to a third reading on to-morrow.

Mr Terry from the committee on the State Bank, to which was referred the Resolution enquiring into the expediency of establishing an office of Discount and Deposit in the town of Jacksonville, in the county of Benton, reported the same as inexpedient, and asked to be discharged from its further consideration.

On motion of Mr McClellan, the report was laid on the table.

Mr Mays appeared and took his seat.

Mr Terry from the committee on the State Bank to which was referred Mr Baylor's resolution inquiring into the expediency of giving precedence to all debts due and owing and becoming due to the State Bank and its Branches, over those of all other persons, and also into the expediency of creating a lien by law, on the property of all persons at this time indebted either as maker or endorser, of any bill of exchange, principal or security to any note, bond or other obligation to said Bank and its Branches, from and after the time their respective liabilities are incurred: Reported the same inexpedient and asked that the committee might be discharged from its further consideration. On motion of Mr Baylor, the report was laid on the table.

Mr Hudson introduced a bill to be entitled an act to provide for the payment of Captain Joseph T. Cook's company, which was read the first time, the constitutional rule suspended and the bill read the second time and referred to the committee on Indian expenditures.

Mr Riddle introduced a bill to be entitled an act to alter and amend in part the charter of the Bank of the State of Alabama and of the several Branches. On motion of Mr Lee, the bill was laid on the table and fifty copies ordered to be printed.

Mr Rice introduced a bill to be entitled an act to appoint additional notaries public, which was read the first time and ordered to a second reading on to-morrow.

Mr Rice introduced a bill to be entitled an act to compensate sheriffs for certain services therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr Terry presented the petition of Augustus Spain and Jesse McLane, joint heirs of the estate of Solomon Jordan, which was referred to the committee on the judiciary.

Mr Rains introduced a bill to be entitled an act to alter and amend the laws now in force fixing the compensation of certain State officers, which was read the first time, the constitutional rule suspended and the bill read a second time and referred to the committee on propositions and grievances.

Mr Dent introduced a bill to be entitled an act respecting runaway slaves, which was read the first time, the constitutional rule suspended and the bill read the second time and referred to the committee on propositions and grievances.

Mr Watrous introduced a bill to be entitled an act to amend an act to abolish a board of commissioners for the improvement of the navigation of the Coosa river, the bill was read the first time, the constitutional rule suspended and the bill read a second time and referred to the committee on inland navigation and internal improvements.

Mr Cottrell introduced a bill to be entitled an act to regulate certain chancery proceedings, which was read the first time and ordered to a second reading on to-morrow.

Mr Cottrell introduced a bill to be entitled an act to amend the several acts in relation to depositions, which was read the first time and ordered to be read a second time on to-morrow.

Mr Lee introduced a bill to be entitled an act to give a specific name to a literary institution near Marion in Perry county, which was read the first time and ordered to be read a second time on to-morrow.

The Senate then proceeded to the orders of the day. The bill to be entitled an act in relation to taxes on real estate, was read the second time and referred to the committee on the judiciary.

The bill to be entitled an act to authorise certain persons therein named, to erect certain machinery on Chokolokko creek in the county of Autauga, was read the second time and referred to the committee on inland navigation and internal improvement.

The engrossed bill from the House of Representatives, to be entitled an act permanently to locate the seat of justice in the county of Pike and for other purposes, was read the second time and ordered to a third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the county court of Autauga county, was read a second time and ordered to its third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to authorise the continuance of a company beat in the county of Wilcox, with a less number than forty privates, was read a second time and laid on the table.

The engrossed bill from the House of Representatives to be entitled an act to



change the time of holding the winter terms of the county courts of Tuscaloosa county, was read the second time and ordered to its third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to incorporate a Fire Company therein named, was read a second time and ordered to be read a third time on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act for the relief of certain persons therein named, was read a second time and ordered to a third reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to compensate the commissioners of revenue and roads in the county of De Kalb, was read the second time and referred to the committee on the judiciary.

The engrossed bill to be entitled an act to authorise regimental courts of inquiry to organise company beats of a less number of privates than forty, was read the third time. Mr Frazier moved to amend the bill by way of engrossed rider, which having passed three several readings, was with the bill referred to the committee on military affairs.

The engrossed bill to be entitled an act for the relief of William Smith of Madison county, was read the third time and passed the Senate.

The engrossed bill to be entitled an act to authorise the sheriff of Blount county to serve process issued by justices of the peace for said county, which was read the third time. Mr Devereaux moved to amend the second section of the bill by way of engrossed rider as a proviso, which was carried, and the bill passed the Senate.

The engrossed bill to be entitled an act to establish the Swift creek Manufacturing Company in the county of Autauga, was read the third time and passed the Senate.

The engrossed bill to be entitled an act to prevent surprise and injury to defendants, was read the third time and on motion of Mr Lee the caption amended by the addition of the words "in execution" and the bill passed the Senate.

Mr Baylor offered the following resolution: *Resolved*, That the committee on the State Bank, be, and it is hereby instructed to inquire into and report to the Senate the amount of the capital stock actually paid into the State Bank and each of its Branches, the amount expended by each in procuring the stock to be paid in, to whom paid, and for what amount, the amount of interest annually paid, with the expense, if any, incurred in making said payments, the amount of incidental expenses annually incurred, and the amount which has been annually paid (including the salaries of the several officers) for printing, fuel, stationary, attorneys' fees, compensation to general and special agents, to whom paid and for what, the amount of the nett profits of the State Bank and its several Branches, which has been annually made, a statement shewing the amount vested in real estate, with a summary of the profits and loss made and incurred annually by the Bank and each of its Branches. Which resolution was adopted.

Mr Toulmin introduced a bill to be entitled an act authorising the Governor and other persons therein named, to issue certificates of State stock, which was read the first time and ordered to a second reading on to-morrow. Mr Smith moved to reconsider the vote on Mr Baylor's resolution, which was carried. Mr King offered the following amendment, which was accepted. *Resolved*, That the committee on the State Bank, ascertain and report to this house, the whole amount of indebtedness of the State of Alabama in the form of State bonds, distinguishing the indebtedness of the State, from the actual sale of bonds as far as ascertained from its indebtedness in the form of bonds unsold. On motion of Mr Smith, the resolution as amended, was laid on the table.

Mr Terry moved to take from the table the report of the committee on the State Bank on Mr Baylor's resolution, which was carried. Mr Terry moved that the Senate concur in the report of the committee. Mr Baylor called for the yeas and nays, which were ordered, when there appeared yeas 26,—nays 4.

Those who voted in the affirmative are messrs President Cotrell Dent Devereaux Fleming Frazier Henderson Hudson King Lee McClellan Lloyd M'Vay nays Ross Rice Rains Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson.

Those who voted in the negative are messrs Baylor Farrar Hill and Riddle.

Mr President offered the following resolution: *Resolved*, That the committee on propositions and grievances, be instructed to inquire into the expediency of allowing additional compensation to the persons who have taken the census; which was adopted.

Mr Dent introduced a bill to be entitled an act to incorporate the Carthage Female Academy; which was read the first time and ordered to a second reading on to-morrow.

Mr Cotrell offered the following resolution: *Resolved*, (The Honorable the House of Representatives concurring therein,) That the Senate will appoint a committee of three to act with a committee to be appointed on the part of the House of Representatives, to revise and amend the joint rules prescribing the manner of conducting the joint vote of the two Houses of the general assembly who shall report to their respective Houses.—Mr President appointed on the part of the Senate messrs Cotrell, Mays and Terry, a committee under the resolution.

Mr Terry offered the following resolution: *Resolved*, by the Senate, with the concurrence of the House of Representatives, the two Houses assemble in the Hall of the house on Saturday next, at 12 o'clock noon, for the purpose of electing a judge of the county court of Chambers county; also, on motion of Mr McClellan, a judge of the county court of Benton county; and on motion of Mr Wellborn, five members of the medical board of the town of Irwinton. The resolution and amendments were adopted.

Mr Lee offered the following resolution: *Resolved*, That the House of Representatives be requested to direct the committee raised in that House on the subject of the taking of the census for 1838, to act jointly with the committee raised by the Senate on the same subject, and that they jointly take all matters connected with the taking the census for 1838, into consideration, and report as early as convenient to their respective Houses.

On motion of Mr Rains, the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, Dec. 14.*—The Senate met pursuant to adjournment. Mr Dent presented the account of the steam boat Courier; which was referred to the committee on indian expenditures.

Mr President presented a sealed document in reference to the contested election for Senator between messrs M'Alister and Ward; which was referred to the committee on privileges and elections.

Mr Dent presented a report from the military convention at Tuscaloosa; which was referred to the committee on military affairs.

Mr Mays presented an account of Alfred C. Lewis, jailor of Montgomery county; which was referred to the committee on accounts and claims.

Mr Lee, from the committee on inland navigation and internal improvements to which was referred a bill to be entitled an act to repeal an act entitled an act declaring Sipsey river a public highway, reported the same back to the Senate with amendments as therein shewn; the amendments were concurred in and the bill ordered to be engrossed for a third reading on to-morrow.



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Mr Riddle introduced a bill to be entitled an act to amend the acts now in force relating to the taking of depositions; which was read the first time and ordered to a second reading on to-morrow.

Message from the House of Representatives by Mr Phelan: Mr President: the House of Representatives have adopted the following resolutions:

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Saturday the 16th inst. noon, for the purpose of electing a Judge of the county court of Montgomery county.

*Resolved*, That the committee on the judiciary be instructed to inquire whether the act of the last legislature requiring the census to be taken during the present year, was passed in conformity with the constitution, and whether an apportionment of representatives can be made by this legislature, consistently therewith.

*Resolved*, That a message be sent to the Senate requesting that their committee on the judiciary may act as a joint committee with that of this House appointed on the same subject; in which they ask the concurrence of the Senate.

The House of Representatives concurred in the resolution of the Senate appointing a committee of three to act with a committee on the part of the House of Representatives, to revise and amend the joint rules prescribing the manner of conducting a joint vote of the two Houses, and have appointed on their part, Messrs Moore of M. Payne and Porter. On motion of Mr Hudson, the message was amended by striking out '16th' after the words 'Saturday the' and inserting '15th.' The message from the House of Representatives was then concurred in.

Mr McClellan introduced a bill to be entitled an act, to change the time of holding the county court of Benton county, which was read the first time and ordered to a second reading on to-morrow.

Mr Farrar introduced a bill to be entitled an act, to authorise certain persons therein mentioned to open and turnpike a road which having been read the first time, the constitutional rule was dispensed with, the bill read a second time and referred to the committee on Roads, Bridges and Ferries.

Mr Riddle introduced a bill to be entitled an act, relating to pleadings in suits of law, which was read the first time and ordered to a second reading on to-morrow.

Mr King introduced a bill to be entitled an act, amendatory of the several acts, of the State of Alabama regulating the licensing and retailing of spiritous and fermented liquors which was read the first time, and ordered to a second reading on to-morrow.

Mr Cottrell introduced a bill to be entitled an act to regulate the alternation of the circuit Judges of this State, which was read the first time and ordered to a second reading on to-morrow.

Mr Smith offered the following resolution: *Resolved*, that a special committee of five be appointed to take into consideration the subject of having the State line between this State and the State of Georgia, permanently established and to report at as early a period as practicable; the resolution was adopted, and Mr President appointed Messrs Smith, Wellborn, McClellan, Frazier and Watrous said committee.

Mr Terry from the committee on accounts and claims, to which was referred the account of Messrs Ferguson & Eaton, reported the same as not being legitimate for the consideration of said committee, and asked to be discharged from its further consideration, and that the account be referred to the committee on State Printing, the report was concurred in and the account so referred.

Mr Terry from the committee on accounts and claims, to which was referred the account of Joseph Rutherford, Deputy Sheriff of Walker county, re-

ported the same inexpedient to be allowed for want of sufficient vouchers—the report was concurred in, and on motion leave granted to withdraw the accounts.

The Senate then proceeded to the orders of the day. The engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Jacksonville, in the county of Benton, was read the third time and passed the Senate. *Ordered*, that the title remain the same.

The bill to be entitled an act to appoint additional Notaries public, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to compensate Sheriff's for certain services therein mentioned, was read the second time and referred to the committee on the Judiciary.

The bill to be entitled an act, to regulate certain chancery proceedings, was read a second time and referred to the committee on the Judiciary.

The bill to be entitled an act, to amend the several acts in relation to depositions, was read a second time, and referred to the committee on the Judiciary.

The bill to be entitled an act to give a specific name to a certain Literary Institution, near Marion, Perry county, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act, authorising the Governor and other persons therein named, to issue certificates of State stock, was read the second time, and referred to the committee on the State Bank.

The engrossed bill from the House of Representatives, to be entitled an act, for the relief of certain persons therein named, was read the third time and passed the Senate. *Ordered*, that its caption remain unchanged.

The engrossed bill from the House of Representatives, to be entitled an act to incorporate a Fire company therein named, was read the third time, and passed the Senate. *Ordered*, that the caption remain the same.

The engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the winter terms of the county courts of Tuscaloosa county, was read the third time and passed the Senate. *Ordered*, that its title remain the same.

The engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the county courts of Autauga county, was read the third time and passed the Senate. *Ordered*, that its caption remain unchanged.

The engrossed bill from the House of Representatives, to be entitled an act, permanently to locate the seat of justice in the county of Pike, and for other purposes, was read the third time and passed the Senate. *Ordered*, that it be entitled as above.

The bill to be entitled an act to incorporate the Carthage Female Academy was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. McClellan, on leave introduced a bill to be entitled an act to authorise Sheppard Brazleton, and M. P. Johnson, to erect a bridge across the Tallapoosa river, in the county of Randolph, which was read the first time—the constitutional rule dispensed with, the bill read a second time, and referred to the committee on inland navigation and internal improvement.

On motion of Mr McClellan an additional member was added to the committee on accounts and claims. Mr President announced Mr Hudson as the additional member.

On motion of Mr Lee, the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, December 15.*—The Senate met pursuant to adjournment.

Mr President presented the report of R. Saffold, one of the commissioners appointed under the act of the last Legislature entitled an act to provide for sampling cotton in the city of Mobile, which was laid on the table, and two hundred copies ordered to be printed.

Mr Terry from the committee on accounts and claims to which was referred the account of John Love, jailor of Dallas county, reported the same inexpedient to be allowed; the report was laid on the table.

Mr Terry from the same committee, to which was referred the account of John W. Steuart, reported the same inexpedient to be allowed, it not having such vouchers as the law requires; the report was laid on the table, and leave granted to withdraw the papers.

Mr Terry from the same committee to which was referred the account of Thomas Ridus, Sheriff of Limstone county, reported the same inexpedient to be allowed, the proof being incomplete; the report was laid on the table, and leave granted to withdraw the papers.

Mr Terry from the same committee to which was referred the account of E. H. Garland, Sheriff of Henry county, reported the same inexpedient to be allowed, there not being requisite proof; the report was laid on the table, and leave granted to withdraw the papers.

Mr Lee from the committee on inland navigation and internal improvements, to whom was referred the bill to be entitled an act to authorise certain persons therein named, to erect certain machinery on Chockolocko creek, in the county of Talladega, reported the same back to the Senate, and recommended its passage with amendments as therein shewn—the amendments were concurred in and the bill ordered to be engrossed for a third reading on Monday.

Mr Mays from the committee on the State Bank to whom was referred the petition of John Harris and Roland J. Locke, reported that it was wholly inexpedient to legislate upon the subject; the report was concurred in.

Mr Riddle from the select committee to whom was referred the memorial of M. Sessions and family, reported it inexpedient to take any action on the subject of the memorial at present and asked to be discharged from its further consideration; the report was concurred in.

Mr Farrar presented the petition of John Lowry, and moved that it be referred to a select committee which was so ordered, and Mr President appointed Messrs Farrar, Baylor and Riddle said committee.

Message from the House of Representatives, by Mr. Phelan, Mr. President, the House of Representatives, concur in the amendment made by the Senate to their Resolution to elect a Judge of the county court for Montgomery county—also in the following resolutions.

**RESOLVED**, That the House of Representatives be requested to direct the committee raised in that House, on the subject of taking the census for 1838, to act jointly with the committee raised by the Senate on the same subject, and that they jointly take all matters connected with taking the census for 1838, into consideration and report as early as convenient to their respective Houses.

The House of Representatives has amended the resolution of the Senate to assemble in the Hall of the House on Saturday next, at 12 o'clock noon, for the purpose of electing a Judge of the county court, for the county of Chambers; a Judge of the county court, for the county of Benton, and five members of the Medical Board of the town of Irwinton, by striking out a Judge of the county

court, for the county of Chambers; and a Judge of the county court, for the county of Benton, in which amendments they ask the concurrence of the Senate. It has also passed bills of the following titles, viz:

An act for the support of paupers in the county of St. Clair.

An act to allow Judges of the Supreme court, to take acknowledgements of deeds.

An act for the better protection of slaves in certain cases.

An act to authorise a Lottery to remove the obstructions in the Suckanatchee river, and an act for the support of paupers in the county of Bibb, in which they ask the concurrence of the Senate.

On motion of Mr Welborn, the Senate disagreed to that part of the amendment from the House striking out the election for Chambers county; the balance of the message was then concurred in.

The engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of St. Clair, was read the first time, and ordered to a second reading on Monday.

The engrossed bill from the House of Representatives, to be entitled an act to allow Judges of the Supreme Court to take acknowledgements of deeds was read the first time and ordered to a second reading on Monday.

The engrossed bill from the House of Representatives, to be entitled an for the better protection of slaves in certain cases was read first time and ordered to a second reading on Monday.

The engrossed bill from the House of Representatives, to be entitled an act to authorise a Lottery to remove the obstructions in the Suckanatchee river, was read the first time and ordered to its second reading on Monday.

The engrossed bill from the House of Representatives, to be entitled an act to provide for the support of paupers in the county of Bibb, was read the first time and ordered to a second reading on Monday.

Mr Cottrell introduced a bill to be entitled an act to incorporate the town of Lowndesboro' in the county of Lowndes, which was read the first time and ordered to its second reading on Monday.

Mr Rains introduced a bill to be entitled an act authorising the Linden Rail Road company, to raise by Lottery a sum of money for the completion of the Linden Rail Road, which was read a first time and ordered to a second reading on Monday next.

Mr Simmons from the committee on propositions and grievances, to which was referred a bill to be entitled an act to alter and amend the laws now in force fixing the compensation of certain States officers reported the same back to the Senate without amendment and recommended its passage, the bill was ordered to be engrossed for a third reading on Monday.

Mr Cottrell introduced joint resolutions of the State of Alabama, which were read and ordered to lie on the table until Wednesday next, and two hundred copies to be printed.

Mr Lee introduced resolutions on the subject of the currency, which were to lie on the table until Wednesday next, and two hundred copies to be printed.

Mr. Hudson, introduced the following Resolution, Whereas, many individuals are indebted to the State Bank and its Branches in the extended debt and have been protested and perhaps sued on account of failing to pay the first instalment which fell due in said extended debt—Therefore, *Be it Resolved*, that the committee on the State Bank be instructed to inquire into the expediency and propriety of passing a law amendatory to the law extending the indebtedness of the Bank of the State of Alabama and its Branches, passed at the called Session, in June

1837, so as to authorise said persons to pay up said instalment, interest and all cost thereon, and permit their indebtedness to run on as though no failure had taken place. *Provided*, the balance of said debt shall be secured to the satisfaction of the President and Directors of said Banks where the debt is due and payable—and that they have leave to report by bill or otherwise; which resolution was adopted.

Mr. Wellbern from the committee on military affairs, to whom was referred an act authorising regimental courts of inquiry to organize company beats of a less number of privates than forty, reported the same back to the Senate as inexpedient and desire to be relieved from the further consideration of the same; which report the Senate concurred.

Mr. Riddle introduced a resolution, *Resolved*, That the door-keeper of the Senate be authorised to have a writing table made for the assistant Secretary's room, which was adopted.

Mr. McClellan moved to reconsider the vote taken on yesterday, on a bill to be entitled an act authorising Sheppard Brazleton and M. P. Johnson to erect a toll bridge across the Tallapoosa river in Randolph county, referring the bill to the committee on inland navigation and internal improvement, which was carried. Mr. McClellan then moved the bill should be referred to the committee on roads, bridges and ferries, which was carried.

Mr. Ross called from the table a bill to be entitled an act to authorise the continuance of a company beat in the county of Wilcox with a less number than forty privates, which was taken up, the bill was then ordered to be placed in the orders of the day for a third reading on Monday next.

Mr Smith introduced a bill to be entitled an act to incorporate the Franklin Academy in the town of Suggsville, which was read a first time and ordered to a second reading on Monday next.

Mr Devereaux presented the account of William M. Beth against the State, which was referred to the committee on indian expenditures.

Mr Lee introduced a bill to be entitled an act for the relief of William Erwin of Perry county, which was read a first time and ordered to a second reading on Monday next.

Mr Baylor called from the table his resolution of inquiry into the condition and expenditures of the State Bank and branches. Mr. Mays moved to lay on the table until the fourth day of July next, lost. Mr. Fleming moved to lay on the table until the first of January next, lost. On motion of Mr. Smith the resolutions were laid on the table generally.

The Senate then proceeded the orders of the day.

Engrossed bill to be entitled an act declaring Sipsey river a public highway, was read the third time and passed the Senate. *Ordered*, that it be entitled as above.

A bill to be entitled an act to amend the acts now in force relating to the taking of depositions, was read the second time and referred to the Judiciary committee.

A bill to be entitled an act to change the time of holding the county courts of Benton county, was read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act relating to pleadings in suits at law, was read a second time and referred to the judiciary committee.

A bill to be entitled an act amendatory of the several acts of the State of Alabama regulating the licensing and retailing of spirituous and fermented liquors was read a second time and referred to the judiciary committee.

A bill to be entitled an act to regulate the alternation of the Circuit Judges of this State, was read a second time and referred to judiciary committee.

Engrossed bill to be entitled an act to appoint additional notaries public, was read a third time and on motion was laid on the table.

Message from the House of Representatives by Mr. Phelan—Mr. President, the House of Representatives recede from their amendment to the resolution of the Senate to go into the election of a Judge of the county court for the county of Chambers—this day at twelve o'clock.

Engrossed bill to be entitled an act to give a specific name to a literary institution near Marion in the county of Perry, was read the third time and passed the Senate. *Ordered*, that it be entitled as above.

Engrossed bill to be entitled an act to incorporate the Carthage Female Academy, was read a third time and passed the Senate. *Ordered*, that it be entitled as above.

Mr Toulmin presented the petition of William Jordan of Washington county which was referred to the committee on propositions and greivances.

Message from the House of Representatives by Mr. Garrett their principal clerk—Mr. President: I am instructed by the House of Representatives to invite the Senate into the Hall of the House of Representatives for the purpose of electing five members of the Medical board of Irwinton, a Judge of the County Court for the County of Montgomery, and also a Judge of the County Court for the county of Chambers. Whereupon the Senate repaired to the Hall of the House, were seated and Mr. President announced the object of the meeting, to elect five members of the Medical Board at Irwinton—to elect a Judge of the County Court of Montgomery county, a Judge of the County Court of Chambers county. The two Houses first proceeded to elect five members of the Medical Board of Irwinton. D. C. Parke, William L. Cowan, Albert W. Jones, Elisha Dunn, Levi T. Williams being in nomination—For Mr. Parke, 121—for Mr. Cowan, 121—for Mr. Jones, 121—for Mr. Dunn, 121—for Mr. Wellborn, 121.

Those who voted for Mr Parke are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Eselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mr. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright and Wynn.

Those who voted for Messrs. Cowan, Jones, Dunn and Wilborne the same as Mr. Parke. Messrs. Parke, Cowan, Jones Dunn and Welborn having received all the votes given and a majority of both Houses were declared by Mr. Speaker duly elected members of the Medical Board at Irwinton.

The two Houses then proceeded to the election of a Judge of the county court for Montgomery county, Benajah S. Bibb, alone being in nomination, for Mr. Bibb, 121.

Those who voted for Mr Bibb are Messrs President Baylor Cottrell Dent Devereux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Boothe Boston Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Eselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison Henderson High Hilliard Hogg Hollis Holley Jones of B. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight McMillion Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mr. Moore of W. Murphy Neely Payne Peters Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright and Wynn.



Mr. Bibb having received all the votes and a majority of both houses was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Montgomery county.

The two Houses then proceeded to elect a Judge of the County Court for Chambers county. Messrs. James E. Rice, James Thompson and Eli Richards being in nomination—for Mr. Rice 52—for Mr. Thompson 7—for Mr. Richards 63.

Those who voted for Mr. Rice are Messrs. President Cottrell Dent Devereux Farrar Hudson King Lea McClellan Mays Ross Simmons Smith Toulmin and Ward of the Senate. Messrs. Abercrombie Andrews Baldwin Blassingame Bolling Carmack Clifton of C. Clifton of D. Cook of L. Crayton Creagh Crenshaw Earle Ellis Esselman Garner Grigsby Hilliard Hogg Lipscomb Meade Mills Mitchell Moore of Mar. Moore of W. Murphy Neely Phillips Searcy Shortridge Simmons Slater Tarver Weissinger Withers Wright and Wynn.

Those who voted for Mr. Richards are Messrs. Baylor Fleming Henderson Lloyd McVay Rice Rains Riddle Rogers Terry Watrous Wellborn and Wilson of the Senate. Messrs. Speaker Baker Bates Boothe Boston Clanton Cook of F. Crawford Douglass Finley Godhold Goldind Hall Hammond Hampton Harris Holley Jones of B. Martin Mason McAllister McAlpin of G. McAlpin of M. McClanahan of M. McClanahan of S. McConnell McKnight Morris Morrow Moore of Mad. Payne Philpot Priest Rogan Rutherford Shields Smith of D. Smith of M. Taylor of F. Taylor of M. Vining Walker Warren and Williams of J. of the House of Representatives.

Those who voted Mr. Thomson are Messrs. Frazier and Hill of the Senate; and Messrs. Kennedy McMillion Peters Somers and Wilson of the House of Representatives.

Mr. Richards having received a majority of all the votes given and of both Houses was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Chambers county.

The Senate then retired to the Senate Chamber—Mr. President resumed his seat, and on motion of Mr. Baylor the Senate adjourned until Monday morning ten o'clock.

*Monday December 17.*—The Senate met pursuant to adjournment.

Mr. Farrar presented the petition from the citizens of Cherokee county, which was referred to the committee on roads, bridges and ferries.

Mr. McClellan from the committee on enrolled bills, reported that he had examined and found correctly enrolled bills of the following titles to wit:

“An act to regulate the time of holding the County Courts for the county of Butler.” “Joint Resolutions of the Senate and House of Representatives requiring the Secretary of State to have shelves constructed in the library room.

Message from the House of Representatives by Mr. Phelan—Mr. President: the House of Representatives have passed a bill to authorize a lottery to remove obstructions in Noxubee river in which they ask concurrence of your honorable body. The House of Representatives concur in the amendment made to their bill to incorporate the town of Jacksonville.

The engrossed bill from the House of Representatives to be entitled an act to authorize a lottery to remove the obstructions in the Noxubee river, was read the first time and on motion of Mr. Hudson laid on the table.

Mr. Riddle from the committee on propositions and grievances, made the following report:

The committee on propositions and grievances, to whom was referred the petitions of a large and respectable portion of the citizens of the State of Alabama, praying the passage of a law prohibiting the retailing of ardent spirits, have had the same under consideration, and have instructed me to Report: That they have given the subject that deliberate and careful consideration, which its importance to the community at large merits.

Your committee fully concur with the petitioners, in reprobating, in the strongest terms, the multiplied evils growing out of intemperance; and would most cheerfully co-operate with the petitioners in adopting any means that would be most likely to put a stop to the evils complained of. The stand taken by the friends of temperance, in producing an entire reformation, has the hearty and entire approbation of your committee.

Your committee have viewed with much pleasure, the even tide of public opinion, bearing

down in its onward progress, all opposition to the reformation which has been so happily set on foot by the friends of good order, and of good morals. That which but a few years ago had but a small beginning—hooted at and reviled—has already overspread the land with its beneficial effects, and all accomplished without the aid of the strong arm of the law.

We have seen, by the force of public opinion alone, whole families and communities redeemed from wretched misery, and squalid poverty,—in families in which once discord and strife prevailed, harmony now reigns around the social board. We have seen places, famous for their debauchery and disorderly conduct, entirely reformed, and the drunkard forsaking the bottle and the dram shop, become a good father, husband and citizen. We have also seen the time when the members of the Legislature, and other public officers, could not be elected without distributing intoxicating drink, and making beasts of their fellow men; but your committee are happy to add, that such is no longer the case—and all this reformation has been brought about by public opinion setting its face against such degrading practices.

The cause of temperance is now sanctioned more than ever by all classes of society: no one is found hardy enough to raise his voice against it; no one is so lost to self respect, as to set at defiance the opinion of the more enlightened part of the community. Under such happy auspices, the cause cannot fail of being conducted to a successful termination, without any aid from the Legislature.

Your committee have not stopped to inquire into the great prostration both of the physical and mental energies of man, produced by intemperance, nor have they mooted the question, "whether the use of ardent spirits is beneficial in any case?" Taking the negative of the question for granted, and while your committee view with pleasure, the wide-spread good the cause of temperance has achieved, and the wholesome reformation that has taken place among all classes of society: they nevertheless feel it their duty to withhold their sanction from any legislative action on the subject; believing that public opinion alone, properly directed, and enlightened, the best corrective for the evils complained of. Promote the course of education, inculcate good morals and good order, and it follows, in the course of things, that the antagonist principles will speedily disappear.

What is it, which in all ages of the world, has distinguished the subject of civilization, from the barbarian? The diffusion of knowledge—neither the fear of the dungeon, nor the rack, was sufficient to ameliorate the condition of men, until knowledge was diffused throughout the world; and the first changes from the savage to the civilized state, have always been preceded, or accompanied by the dissemination of knowledge, and man has been found to yield to mild admonition, when the most rigid laws have failed of their intended effect.

Your committee fully appreciate the motives of the petitioners, but believe the passage of a law, such as is desired, would have a contrary effect from that looked for by the petitioners.--- Whatever is intended to act upon the social state, and is of such character, that all classes and all parties may participate in it, should never assume, however remotely, a political complexion. Let, then, that which is well begun, and in successful experiment, eschew any approach to the political controversies of the day.

The question may with some propriety be raised, if it would not be invading the rights of individuals, to enact such a law as is prayed for by the petitioners. A doubt may be raised, whether the public mind is fully prepared for any legislative action on the subject at this time. The experience of the present day furnishes abundant evidence, that those laws not sanctioned by public opinion, are wholly inoperative, and worse than useless. The failure of a law of its proper effect, not unfrequently has a tendency to produce reaction. Your committee therefore thought it would be unwise, to give the enemies of sobriety and good order, any ground to raise the successful cry of persecution, thereby creating a counter current to that which is in successful operation. Your committee hope that their motives will not be misunderstood, but fully appreciated, and that their present action on the subject may be taken as a recommendation to the petitioners, still to persevere, by example, by precept, and by enlightening the public mind, until the retail groceries shall entirely disappear from every town, village and hamlet in our country.

The committee ask leave to be discharged from the further consideration of the subject.

On motion of Mr Hudson, the report was laid on the table.

Mr Terry presented a petition from the citizens of Limestone county, which was referred to the committee on the State Bank.

Mr Watrous presented the petition of Thomas Loomey, which on motion of Mr Simmons, was laid on the table.

Mr Simmons from the committee on propositions and grievances, to whom was referred, the joint memorial of the Senate and House of Representatives of

the State of Alabama, to the Congress of the United States, reported the same back to the Senate without amendment, and recommended its passage. Mr Frazier moved to amend by striking out the word "sale" in the eighth line and inserting in lieu thereof, the word "soil," the amendment was concurred in.— Mr Smith moved to lay the memorial on the table—motion lost. The memorial was read and passed the Senate.

Mr Rains from the committee on education, to which was referred a bill to be entitled an act to incorporate the Marble Spring Academy in the county of Talladega, reported the same back to the Senate with amendments, which were concurred in and the bill read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the same committee to which was referred a bill to be entitled an act to authorise the Mobile College to confer degrees and to exempt the property thereof from taxation, reported the bill with amendments, the amendments were concurred in, and the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Simmons from the committee on propositions and grievances, to whom a resolution of inquiry into the expediency of allowing additional compensation for taking the census, had been referred, reported a bill to be entitled an act to allow additional compensation for taking the census of this State, which was read the first time and ordered to a second reading on to-morrow.

Mr Simmons from the same committee, to which was referred, a bill to be entitled an act respecting runaway slaves, reported a substitute, which having been read the second time, was ordered to be engrossed for a third reading on to-morrow.

Mr Simmons from the same committee, to which was referred, the petition of Caroline M. Thompson, reported it to be inexpedient to legislate on the subject, the report was concurred in.

Mr McClellan introduced the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will convene in the Representative Hall, on Thursday the twentieth instant, at the hour of eleven o'clock, A. M. for the purpose of electing a Judge of the county court for Benton county, Solicitor for the sixth judicial circuit, a Judge of the county court for Franklin county and a Judge of the county court for Clarke county. The resolution was adopted.

Mr McVay introduced a bill to be entitled an act to create and appoint three commissioners to settle and pay for work done on the Muscle Shoals Canal by John R. and S. S. Henry, assignees of John R. Ives and Co. upon the principles of equity and justice, the bill was read the first time, the constitutional rule dispensed with, the bill read the second time and referred to a select committee. Mr President appointed Messrs McVay, Terry and Hudson said committee.

Mr Hudson offered the following resolution: *Resolved*, that the committee on inland navigation and internal improvements, be instructed to inquire into the expediency of appropriating a part of the three per cent fund for the improvement of the navigation of the Conecuh river, commencing at the Florida line, thence up the river as far as Montazuma, Covington county, and that they report by bill or otherwise, which was adopted.

Mr Mays introduced a bill to be entitled an act to amend an act entitled an act to incorporate the city of Montgomery, approved, December 23, 1837, which was read the first and second times, the constitutional rule being dispensed with, and was referred to the committee on the Judiciary.

Mr Terry offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of reducing the interest upon the extended debt, and also the interest on the five million loan created at the called session of June, eighteen hundred and thirty-seven, also whether the State Bank or any of its Branches are authorised under the act of June 30th 1837, to require the payment of interest in advance on the one, two and three years loans, with leave to report by bill or otherwise, which was adopted.

Mr Mays presented the account of Thomas W. Fleming, which was referred to the committee on indian expenditures.

Mr Wellborn from the committee on military affairs, to which was referred, the petition of the officers of the seventy-third regiment Alabama militia, praying an additional battalion, reported a bill to be entitled an act to authorise and establish a third battalion in the seventy-third regiment, Alabama militia, which was read the first time and ordered to second reading on to morrow.

Mr Dent offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of compelling President and Directors of the Bank of the State and its several Branches hereafter elected, before entering upon their respective duties, that they be compelled to enter into a bond with such security as may be approved of by the Governor, for double the amount which each is entitled to receive in the way of accommodations from the Bank: which security is intended to be in addition to that which is already required by the Banks in discounting paper offered, with leave to report by bill or otherwise. The resolution was adopted.

Mr Terry introduced a bill to be entitled an act to regulate the mode and limit the number of Bank Directors for the State Bank and its several Branches at Mobile, Montgomery, Decatur and Huntsville, and for other purposes, which having been read the first time, was on motion of Mr Lee, laid on the table, and fifty copies ordered to be printed.

Mr Dent offered the following resolution: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of abolishing an election precinct at the house of William Moore, and establish one in lieu thereof, at the store house of David Sudduth in the county of Tuscaloosa, which was adopted.

Mr Wellborn introduced a bill to be entitled an act to incorporate a company for manufacturing purposes, which having been read the first time, the constitutional rule was dispensed with, the bill read the second time and referred to the committee on the judiciary.

The Senate then proceeded to the orders of the day.

The engrossed bill to be entitled an act to authorise certain persons therein named, to erect certain machinery on Chockolockko creek in the county of Talladega, was read the third time, and on motion of Mr McClellen, laid on the table.

The engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of St. Clair, was read the second time and referred to a select committee. Mr President appointed Messrs Farrar, Hill and Frazier said committee.

The engrossed bill from the House of Representatives, to be entitled an act to allow Judges of the Supreme Court to take acknowledgements of deeds was read the second time and referred to the committee on the judiciary.

Mr Rice offered the following resolution: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of removing the election precinct from Cooksville in Morgan to the White Sulphur Springs in said county, which was adopted.

Engrossed bill from the House of Representatives, to be entitled an act for the better protection of slaves in certain cases, was read the second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled, an act to authorise a lottery to remove the obstructions in the Suckanatchee river, was read the second time. Mr Hudson moved to lay the bill on the table, which was lost. Mr Hudson moved to refer the bill to the committee on the judiciary, which was carried.

Engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of Bibb, was read the second time and referred, on motion of Mr Hudson, to a select committee. Mr President appointed Messrs Hill, Farrar and Hudson said committee.

The bill to be entitled an act to incorporate the town of Lowndesboro, in the county of Lowndes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to entitled an act to authorize the Linden Rail Road Company to raise by lottery a sum of money for the completion of the Linden Rail Road, was read the second time and referred to the judiciary committee.

The engrossed bill from the House of Representatives to be entitled an act to authorize the continuance of a company beat in the county of Wilcox, with a less number than forty privates; was read the third time and passed. *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to alter and amend the law now in force, fixing the compensation of certain State officers, was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to change the time of holding the county court of Benton county; was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The bill to be entitled an act to incorporate the Franklin Academy, in the town of Suggsville, Clarke county; was read the second time, and on motion of Mr Hudson, referred to the committee on education.

The bill to be entitled an act for the relief of William Erwin of Perry county, was read the second time and referred to the committee on the judiciary.

Mr Fleming offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of altering and amending the law now in force, regulating the license on venders of goods by hawkers and pedlars, with leave to report by bill or otherwise.

On motion of Mr Cottrell, the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, Dec. 18.*—The Senate met pursuant to adjournment. On motion of Mr McVay, leave of absence was granted to Mr Lloyd, Senator from Blount county, until Monday next.

Mr Hudson presented an account of Anderson Bean, sheriff of Franklin county; which was referred to the committee on accounts and claims.

Mr Henderson presented a petition of the citizens of Conecuh county; which was referred to the committee on inland navigation and internal improvement.

Mr Dent presented a petition in relation to the military code; which was referred to the committee on military affairs.

On motion of Mr Baylor, leave was granted to withdraw the account of John Love.

Mr Frasier presented a petition from the citizens of Jackson county, for the

grant of a charter to Parker F. Stone, to turnpike a road; which was referred to the committee on roads, bridges and ferries.

Mr Hudson from the committee on State printing, to whom was referred the account of Ferguson & Eaton for extra printing, reported that they had allowed the same, and asked that it be referred to the committee on accounts and claims, with instructions to incorporate the same in the general appropriation act; which was concurred in.

Mr Cottrell from the committee on the judiciary, to whom was referred the bill to be entitled an act to incorporate the Wetumpka Insurance Company, reported the same with an amendment, which was concurred in, and on motion of Mr Baylor, the bill was laid on the table.

Mr Cottrell, from the same committee to whom was referred the bill to be entitled an act to incorporate the Union Hotel Company, in Huntsville, Alabama, and also a petition of F. J. Mastin, President, and other Directors of said company, reported the petition back to the Senate, and asked to be discharged from the further consideration of the subject; and also reported it inexpedient to pass the bill. The report was concurred in.

Mr Cottrell from the same committee to whom was referred the resolution instructing them to inquire into the expediency of allowing to sheriffs and constables of the State, reasonable fees for the collection of executions for costs only; reported that in their opinion, legislation on the subject is unnecessary; the report was laid on the table on motion of Mr Rice.

Mr Cottrell from the same committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law authorizing suit to be maintained against one partnerserved with process when the copartnership has been dissolved and the suit is brought on an unliquidated account; reported legislation on the subject to be unnecessary. The report was concurred in.

Mr Cottrell from the same committee to whom was referred a bill to be entitled an act to exempt from execution and sale, forty acres of land, and for other purposes; reported that it would be inexpedient to pass the bill. The report was concurred in.

Mr Cottrell, from the same committee to whom was referred a bill to be entitled an act to authorize the sheriff of Marion county to perform certain services therein named; reported the same back to the Senate, and recommended its passage. The bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the same committee to whom was referred a resolution instructing them to inquire into the expediency and propriety of passing some law allowing constables and justices of the peace, pay for services rendered in executing and issuing State warrants when the State fails in the prosecution; reported legislation on the subject to be inexpedient and unnecessary; the report was laid on the table.

Mr Cottrell, from the same committee to whom was referred a bill to be entitled an act to give to the orders of the county court made on the distribution of estates of deceased persons, the effects of judgements, reported the same back to the Senate with an amendment, and recommended its passage, the amendment was concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law prohibiting merchants and other shop keepers from retailing spiritous liquors in less quantities



than one gallon, and that not to be drank on the premises where sold; reported further legislation on the subject unnecessary. On motion of Mr Hudson, the report was laid on the table.

Mr Cottrell, from the same committee to whom was referred a bill to be entitled an act to compensate sheriffs for certain services therein mentioned, reported the same with amendments. Mr Terry moved an indefinite postponement of the bill. Mr Fleming called for the yeas and nays; which being ordered, there appeared yeas 19, nays 9. So the consideration of the bill was postponed indefinitely.

Those who voted in the affirmative are messrs. President Baylor Cottrell Dent Frazier Henderson Hill Hudson King McVay Mays Riddle Rogers Simmons Terry Ward Watrous Wellborn Wilson.  
Those who voted in the negative are messrs. Devereaux Farrar Fleming Lee McClellan Ross Rice Rains and Toulmin.

Mr Dent, from the committee on Indian expenditures to whom was referred a bill to be entitled an act to compensate certain persons therein named; reported a substitute and recommended its passage; the substitute was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Fleming presented an account from the jailor of Madison county; which was referred to the committee on accounts and claims.

Mr Hudson presented the petition of M. Davis, of Franklin county; which was referred to the committee on the judiciary.

Mr Rogers introduced a bill to be entitled an act prescribing the mode of establishing and licensing toll-bridges, causeways and ferries; also, defining the rights and liabilities of the owners thereof; which was read the first time and ordered to a second reading on to-morrow.

Mr Farrar introduced a bill to be entitled an act to authorize E. A. McCracken, George W. Crazier and their associates, to turnpike a certain road therein named; which was read the first time and ordered to a second reading on to-morrow.

Mr Mays offered the following resolution: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of abolishing the election precinct at the house of J. M. Cook, in the county of Montgomery. The resolution was adopted.

Mr Simmons introduced a bill to be entitled an act to authorize a milling and manufacturing company on Coosa river; which having been read the first time, the constitutional rule was dispensed with, the bill was read the second time and referred to the committee on the judiciary.

Mr Wellborn introduced a bill to be entitled an act to incorporate the Irwinton Bridge Company; which was read the first and second time, the constitutional rule being dispensed with, and referred to the committee on the judiciary.

The Senate then proceeded to the orders of the day.

The bill to be entitled an act to allow additional compensation for taking the census of this State was read the second time.

Mr Smith moved to amend by striking out "twenty-five per cent." and inserting "fifty per cent." objection being made, Mr Smith called for the yeas and nays; which being ordered, there appeared yeas 11, nays 17.

Those who voted for striking out are messrs. Baylor Cottrell Dent Farrar McClellan McVay Rains Smith Watrous Wellborn and Wilson.

Those who voted in the negative are messrs. President Devereaux Fleming Frazier Henderson Hill Hudson King Lee Mays Ross Rice Rogers Simmons Terry Toulmin and Ward.

Mr Dent moved to postpone the consideration of the bill until the 1st of January next. The yeas and nays were called for, when there appeared, yeas 8, nays 20. So the Senate refused to postpone.

Those who voted in the affirmative are messrs. Baylor Cottrell Dent Farrar McVay Mays Rogers and Wilson.

Those who voted in the negative are messrs President Devereaux Fleming Frazier Henderson Hill Hudson King Lea McClellan Ross Rice Rains Simmons Smith Terry Toulmin Ward Watrous and Wellborn.

Mr Smith moved to lay on the table, which was lost. The bill was then ordered to be engrossed for a third reading to-morrow.

The bill to be entitled an act to authorize and establish a third battallion in the seventy-third regiment of Alabama militia; was read the second time and ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to be entitled an act to amend the laws now in force respecting runaway slaves was read the third time and passed the Senate: *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to incorporate the town of Lowndesboro, in the county of Lowndes was read the third time and passed the Senate: *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to incorporate the Marble Spring Academy, in the county of Taladega; was read the third time and passed the Senate: *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to authorize Mobile College to confer degrees, and to exempt the property thereof from taxation; was read the third time and passed the Senate: *Ordered*, That it be entitled as above.

On motion of Mr Watrous, the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, Dec. 19.*—The Senate met pursuant to adjournment. Mr President presented sealed documents concerning the contested election, which were referred to the committee on privileges and elections.

Mr Rains, from the committee on education, to which was referred the petition from Autauga, praying that a law may be passed authorizing the petitioners to attend to their own business with respect to the 16th section, in the township of their residence, reported it inexpedient to legislate on the subject, the report was laid on the table.

Mr Raines, from the same committee to which was referred the petition and bill to be entitled an act to repeal in part, an act entitled an act to revise and amend the laws in relation to schools and school lands, approved Dec. 25, 1837, reported the bill to the Senate without amendment, the bill was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Rains, from the same committee to which was referred the resolution to inquire into the expediency of giving further indulgence on all debts due for the purchase of 16th sections reported the same to be inexpedient; the report was laid on the table.

Mr Rains, from the same committee to which was referred the bill to incorporate the Franklin Academy, in the town of Suggsville, Clarke county, reported the bill with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Weliborn, from the committee on military affairs, to whom was referred a resolution of inquiry into the propriety of passing a law to exempt all persons of the age of fifty years and upwards, from patrol duty, reported such a law to be inexpedient, the report of the committee was concurred in.

Mr Watrous, from the committee on inland navigation and internal improvements to whom was referred the bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, reported the same to the Senate and recommended its passage.

Mr McVay moved to strike out the second section of the bill, which made an appropriation of thirty thousand dollars for the year 1840. Whilst which motion was pending, Mr Smith moved to lay on the table, which motion was lost. The question was then on the motion to strike out, which was carried; when on motion of Mr Lee, the bill was laid on the table.

Mr Hill, from the select committee to whom was referred the engrossed bill from the House of Representatives, to be entitled an act to provide for the support of paupers in the county of Bibb, reported the same without amendment, the bill was read the second time and ordered to a third reading on to-morrow.

Mr Farrar, from the select committee to whom was referred the engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of St. Clair, reported the same without amendment. The bill was read the second time and ordered to its third reading on to-morrow.

Mr McVay, from the select committee to whom was referred a bill to be entitled an act to create and appoint three commissioners to settle and pay for work done on the Muscle Shoals Canal, by John R. and S. S. Henry, assignees of John B. Ives & Co. upon the principles of equity and justice, reported the same with amendments as therein shewn; the amendments were concurred in. Mr Cottrell moved to lay the bill on the table until the first of July next, and called for the yeas and nays, which being ordered, there appeared yeas 16, nays 12; so the bill was laid on the table until the first of July next.

Those who voted in the affirmative are messrs. President, B. J. C. C. Devereaux Farrar Frazier Hendon King Lee Mays Ross Rice Riddle Ward and Watrous.

Those who voted in the negative are messrs. Fleming Hudson McClellan McVay Rains Rogers and more Smith Terry Toulmin Wellborn and Wilson.

Message from the House of Representatives by Mr Phelan. Mr President: The House of Representatives have adopted the following resolutions, to wit: *Resolved*, That a select committee be appointed on the part of this House, consisting of one member from each judicial circuit, to act with such a committee on the part of the Senate, whose duty it shall be to inquire into the expediency of altering and amending the banking laws of this State, with leave to report by bill or otherwise to their respective Houses, and have appointed on their part, Messrs. Grigsby, Lipcomb, Vining, McAlpin of G. Hilliard, Booth, Williams of T. High and McConnell: *Resolved*, That with the concurrence of the Senate, the examining joint committee on the State Bank, be instructed to inquire whether or not the State Bank, with its several branches, are uniform in interest and exchanges exacted, and if not, devise means by which hereafter they may be so; in which they ask the concurrence of the Senate.

The message was concurred in and Mr President appointed Messrs Toulmin, Simmons, Riddle, Terry, Rice, Henderson, King, Wellborn and McClellan, a committee under the first resolution.

On motion of Mr Rains, the engrossed bill from the House of Representatives to be entitled an act to authorize a lottery to remove the obstruction in the Noxubee river, was taken from the table and ordered to a second reading on to-morrow.

Mr Smith offered the following resolution: *Resolved*, That with the concurrence of the Senate and House of Representatives, the special committee now appointed on the part of the Senate to take into consideration the subject of having the State line between this State and the State of Georgia, permanently established, be authorized to act jointly with such committee as may be appointed on that subject on the part of the House of Representatives, and to report accordingly to their respective Houses, which was lost.

Mr Mays introduced a bill to be entitled an act to aid internal improvements in this State, which was read the first time and laid on the table, and 50 copies ordered to be printed.

Mr Farrar introduced a bill to be entitled an act to amend an act to appropriate a certain sum for the completion of the Muscle Shoals Canal, approved Dec. 25, 1837, which was read the first time and ordered to a second reading on to-morrow.

Mr Terry called up Mr Cottrell's joint resolutions, which were referred to a select committee. Mr President appointed Messrs Cottrell, Terry and Mays, said committee.

Mr Fleming introduced a bill to be entitled an act to establish a jail and penitentiary in the State of Alabama, which was read the first and second time, the constitutional rule being dispensed with, and referred to the committee on the judiciary.

The Senate then proceeded to the orders of the day.

Mr Lee's currency resolutions were taken up, when on motion of Mr Lee, they were laid on the table.

The engrossed bill to be entitled an act to compensate certain persons therein named, was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to authorize and establish a third battalion in the 73d Regiment Alabama Militia, was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to give to the orders of the county court, made on the distribution of estates of deceased persons, the effects of judgments was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

Engrossed bill to be entitled an act to authorize the sheriff of Marion county, to perform certain duties therein named, was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The engrossed bill to be entitled an act to allow additional compensation for taking the census of this State, was read the third time and passed the Senate. *Ordered*, That it be entitled as above.

The bill to be entitled an act to authorize E. A. McCracken, George W. Crozier and their associates, to turnpike a certain road therein named, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to be entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also, defining the rights and liabilities of the owners thereof, was read the second time and referred to the committee on roads, bridges and ferries.

Mr Cottrell moved to reconsider the vote postponing the bill to be entitled an act to create and appoint three commissioners to settle and pay for work done on the Muscle Shoals Canal by J. R. & S. S. Henry, assignees of John B. Ives & Co. upon the principles of equity and justice, when on motion of Mr Cottrell, the motion and bill were laid on the table.

On motion of Mr Baylor, the Senate adjourned until to-morrow 10 o'clock.

*Thursday, Dec. 20.*—The Senate met pursuant to adjournment. Mr Frasier presented a petition from the citizens of Jackson county, which was referred to the committee on the State Bank.

Mr Mays presented a petition in relation to the abolishment of a precinct in Montgomery county, which was referred to the committee on privileges and elections.

On motion of Mr Hudson, the bill to appoint commissioners to pay and settle for work done on the Muscle Shoals Canal, was taken from the table; the vote reconsidered to lay it on the table until the first of July, and referred to the committee on inland navigation and internal improvement, with instruction on motion of Mr Cottrell, to report to the Senate all the information and evidence brought before them on that subject.

Mr Simmons called from the table a bill to be entitled an act to alter and amend an act to appoint a board of commissioners for the improvement of the navigation of the Coosa river, and moved to reconsider the vote striking out the second section of the bill, which was carried; and on motion of Mr Smith, laid on the table.

Mr Toulmin offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire of the Bank Commissioners or the Cashier of the State Bank, and of each of the Branch Banks, a report shewing the liability of the President and each Director of their respective boards, as drawer, endorser or otherwise, also the time at which each liability was created, and report the same to the Senate as early as possible. The resolution was adopted.

Mr McVay offered the following resolution: *Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so amending the road law, that the width of lanes may be in proportion to the grade of public roads, with leave to report by bill or otherwise, which was adopted.

The engrossed bill from the House of Representatives to be entitled an act to provide for the support of paupers in the county of Bibb, was read the third time and passed. *Ordered*, That it be entitled as above.

The engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of St. Clair, was read the third time and passed. *Ordered*, That it be entitled as above.

The engrossed bill from the House of Representatives to be entitled an act to authorize a lottery to remove the obstructions in the Noxubee river, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals Canal, approved Dec. 25, 1837, was read a second time and referred to the committee on inland navigation and internal improvement.

Mr Riddle called from the table a bill to be entitled an act to alter and amend in part the charter of the Bank of the State of Alabama, and of the several branches thereof, which was read a second time, the constitutional rule being dispensed with, and referred to the committee on the State Bank.

Mr Baylor asked to take from the table a bill to be entitled an act to incorporate the Wetumpka Insurance Company, which was so ordered, when Mr Baylor submitted the following amendments to the bill: second line in 12th section, amended by inserting after words 'that the' the word 'individual,' and to strike out in the fourth line and same section, the words 'to the amount of their stock,' to amend the 11th section with the following proviso: *Provided*, That the powers and privileges in this act conferred, shall be subject to a future legislation, and that the same may be altered, modified or repealed, as the legislature may deem fit; and to add the following as the 13th section: 'And be it further enacted, that this act shall cease and be of no effect, and that the corporation hereby created, shall cease to exist from, and after the first day of January, 1850.' All of which amendments were concurred in. On the first amendment, the yeas and nays being demanded, were yeas 20, nays 8.

The yeas were Messrs President Baylor Cottrell Dent Devereaux Farrar Frazier Henderson Hill Hudson McClellan McVay Mays Rice Rogers Terry Toulmin Ward Wellborn and Wilson.

The nays were Messrs King Lee Ross Rains Riddle Simmons, Smith and Watrous.

The yeas and nays were called for on the third amendment, and were yeas 20, nays 7.

The yeas were Messrs Baylor Cottrell Devereaux Farrar Frazier Hudson King Lee McClellan McVay Mays Ross Rice Riddle Rogers Terry Toulmin Ward Wellborn and Wilson.

The nays were Messrs President Dent Hill Rains Simmons Smith and Watrous.

The yeas and nays were called for on the fourth amendment, and were yeas 14, nays 13.

The yeas were Messrs Baylor Cottrell Farrar Hill Lee McVay Ross Rice Rains Rogers Terry Toulmin Ward and Wilson.

The nays were Messrs President Dent Devereaux Frazier Hudson King McClellan Mays Riddle Simmons Smith Watrous and Wellborn.

On motion of Mr Lee, the bill was laid on the table.

Mr Terry called from the table a bill to be entitled an act to regulate the mode and limit the number of Bank Directors for the State Bank and its several branches at Mobile, Montgomery, Decatur and Huntsville, and for other purposes, which was read a second time, the constitutional rule being dispensed with, and referred to the committee on the State Bank.

Mr Lee called from the table a bill to be entitled an act to secure to the community the benefit of an extended and undepreciating currency, which was read the second time, the constitutional rule being dispensed with, and referred to the committee on the State Bank.

Mr Dent offered the following resolution: *Resolved*, That the committee on the State Bank be authorized and instructed to call upon the President of the State Bank to inform the Senate whether or not a Clerk or Clerks has not been employed by the three commissioners appointed by the Governor to examine the State Bank and its several branches, and by whom employed, and by whom paid, and what amount paid; also, whether or not, said clerks did not examine the books in the absence of the commissioners; and also, to report to the Senate so much of the journals of the Bank of the State of Alabama, as relates to the appointments of said clerks by the commissioners; which resolution was adopted.

On motion of Mr Cottrell, the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, Dec. 21.*—The Senate met pursuant to adjournment. On motion of Mr Hudson, leave of absence was granted to Mr Hill, Senator from Bibb county, until Monday next.

Mr Riddle introduced a bill to be entitled an act to prohibit unlawful Banking Associations, which was read the first time, the constitutional rule dispensed with and bill read the second time and referred to the committee on the judiciary.

Mr McClellan introduced the following resolution: *Resolved*, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday next, at the hour of 11 o'clock, A. M. for the purpose of going into the election of a Judge of the county Court of Benton county, and also the election of a Judge of the county court of Franklin county, and Solicitor of the sixth judicial circuit, which was adopted.

Mr Mays offered the following resolution:

*Resolved*, That the President of the State Bank, be instructed to inform the Senate what amount of Bonds have been issued by the State, with the period at which they respectively become payable, as well as the rate of interest they bear, and what amount and description of said Bonds still remain unsold, which was adopted.

Mr Toulmin introduced a bill to be entitled an act the better to secure a safe and prudent management of the State Bank and Branches thereof, which was read the first time and ordered to a second reading on to-morrow.



The Senate then proceeded to the orders of the day; the engrossed bill to be entitled an act to repeal in part an act entitled an act to revise and amend the laws in relation to schools and school lands, approved December 25th 1837, was read the third time and referred to a select committee; Mr President appointed Messrs Lee, Dent and Riddle said committee.

The engrossed bill to be entitled an act to incorporate the Franklin Academy in the town of Sugsville, was read the third time and passed the Senate. *Ordered* that it be entitled as above.

Mr Cottrell from the select committee to whom was referred joint resolutions of the General Assembly of the State of Alabama, reported the same back to the Senate with amendments as therein shewn; the resolutions as amended were as follows, Joint Resolutions of the General Assembly of the State of Alabama.

WHEREAS, a crisis has arrived in the history of our government, dangerous alike to the integrity of our constitution, and the form of our government, the determination of which will decide whether ours shall be a government of the people, administered by their constituted agents, or a government of irresponsible power, administered by irresponsible agents, and whereas, in a great contest like the present, involving such great results, it becomes the duty, as it is the right, of the General Assembly, to publish and declare to the world its deliberate opinion. Therefore,

1. *Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the States of North America, which confederated together to establish their independence, became, on that acquisition, free and independent States, and as such, authorised to constitute governments, each for itself, in such form as it thought best.

2. *Resolved*, That they entered into a compact which is called the Constitution of the United States of America, by which they agreed to unite in a single government as to their relations with each other, and with foreign nations, and as to certain other articles particularly specified.

3. *Resolved*, That the Constitution being a grant of specified and limited powers, the government has no power, and can exercise no authority, but those that are contained in that instrument.

4. *Resolved*, That the powers of the federal government were delegated to it in trust, for the accomplishment of certain specified objects, which limit and control them, and that any other exercise of them is in violation of the constitution.

5. *Resolved*, That the attempt on the part of the federal government, to charter a national Bank of any kind whatsoever, is an undisguised assumption of substantial independent power, not granted, but expressly withheld, and therefore a direct and palpable violation of the constitution.

6. *Resolved*, That a connection between the government and banks of the country, is beneficial to neither, but injurious to both, and in violation of the constitution.

7. *Resolved*, That gold and silver being the only currency known to the constitution, the employment of the notes of the banks, by the government, in the collection and disbursement of its revenues, is a most dangerous form of connection between the government and the banks, is adverse to the rights and interests of the people, and a dangerous infraction of the constitution.

8. *Resolved*, That the firm and decided course of the President of the United States, in the present crisis, and his zealous and untiring efforts to promote a separation of the government and banks, and for the establishment of an independent and constitutional Treasury, merits and receives our warmest approbation.

9. *Resolved*, That his Excellency the Governor be requested to communicate a copy of these resolutions to the Governors of the different States, with a request to lay them before their respective Legislatures, and also to each of our Senators and Representatives in Congress.

Mr Lea moved to strike out all after the word resolved, in the 5th resolution and insert the following in lieu thereof.

*Resolved*, That changes ought not to be made in systems of policy which have aided in producing and successfully sustaining, the prosperity, happiness and glory of the country, for slight and transient causes.

2. *Resolved*, That party banners should not be unfurled for the purpose of displaying numbers merely, nor should party triumphs be chanted at a time when all parties acknowledge the country to be pervaded by, and involved in, deep pecuniary embarrassment and distress.

3. *Resolved*, That the grandest object the present Legislature can accomplish, would be to produce the circulation of a plenty of money, and that of a good quality, so that the people may

be relieved from debts and embarrassment, which legislation at home and abroad, has at least in part brought upon them.

4. *Resolved*, That when the Banks of Alabama shall resume specie payments, if their money be good enough for the people of Alabama, it will also be good enough for the balance of the world; and especially for the general government to which we are compelled to pay so much; and our Senators and Representatives in Congress should be, and are hereby requested and instructed, firmly and perpetually to resist the passage or continuance of any law or executive instruction, which would, after a resumption, prevent the reception of our money, by public officers for public dues, or in payment for public lands.

5. *Resolved*, That the Sub Treasury scheme is an experiment; one to which the people are and have been unaccustomed, from the origin of the government, embracing the days of Washington and Franklin, up to the present time, and is an unwise, doubtful and dangerous stroke of policy.

Mr Dent moved to postpone the further consideration and lay the resolution and amendments on the table until the first of June next; the yeas and nays being ordered, were yeas 12, nays 16, so the Senate refused to postpone.

The yeas were Messrs. President, Dent Devereaux Hudson King Lee McClellan Ross Rains Riddle Ward and Watrous.

The nays were Messrs Baylor Cottrell Farrar Fleming Frazier Henderson McVay Mays Rice Rogers Simmons Smith Terry Toulmin wellborn and Wilson.

Mr Rains moved to lay the resolutions on the table; the motion was lost.

The question then recurred on striking out—Mr McClellan called for a division of the question. The question was then upon striking out the fifth resolution. The yeas and nays were ordered and were yeas 7, nays 21, so that the Senate refused to strike out.

The yeas were Messrs Dent King Lee Ross Rains Riddle and Watrous.—The nays were Messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hudson McClellan McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward wellborn and Wilson.

The question was then on striking out the sixth resolution the yeas and nays being demanded were yeas 9 and nays 19, so the Senate refused to strike out the sixth resolution.

The yeas were Messrs. Dent Devereaux King Lee McClellan Ross Rains Riddle and Watrous.

The nays were Messrs President Baylor Cottrell Farrar Fleming Frazier Henderson Hudson McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward wellborn and Wilson.

Mr Smith moved to strike out the words "and in violation of the constitution" in the sixth resolution; the yeas and nays being demanded, were yeas 7, nays 21, so the motion was lost.

The yeas were Messrs King Lee Ross Rains Riddle Smith and Watrous.

The nays were Messrs. President Baylor Cottrell Dent Devereaux Farrar Fleming Henderson Hudson McClellan McVay Mays Rice Rogers Simmons Terry Toulmin Ward Wellborn and Wilson.

The question was then taken upon striking out the seventh resolution. The yeas were 9, nays 19, so the Senate refused to strike out.

The yeas were Messrs Dent Devereaux King Lee McClellan Ross Rains Riddle and Watrous.

The nays were Messrs President Baylor Cottrell Farrar Fleming Frazier Henderson Hudson McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The question was then upon striking out the eighth resolution. The yeas and nays being demanded, were yeas 8, nays 20, so the Senate refused to strike out the 8th resolution.

The yeas were Messrs Dent King Lee McClellan Ross Rains Riddle and Watrous.

The nays were Messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hudson McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The Senate suspended the consideration of the joint resolutions to concur in the following message from the House of Representatives.

Mr President, the House of Representatives concur in the resolution of the Senate to go into the election of a Solicitor of the sixth judicial circuit; a Judge of the county court of Benton county, and a Judge of the county court of Franklin county on to-morrow, and have amended the same by adding thereto also

a Judge of the county court of the county of Clarke, in which they ask the concurrence of the Senate having concurred in the amendment of the House of Representatives. The Senate resumed the consideration of the joint resolutions of the General Assembly of the State of Alabama.

Mr Lee offered the following resolution.

RESOLVED, That it is the opinion of this General Assembly, that John C. Calhoun is, considering his whole course, as champion of the rights of the South, entitled to our support for the next Presidency of the United States, and that we recommend him for that office to the whole country.

Mr Cottrell moved to lay the resolution on the table. The yeas and nays were demanded, and were yeas 22, nays 6.

The yeas were Messrs President Baylor Cottrell Dent Devereaux Farrer Frazier Hudson King McClellan McVay Mays Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous and Wilson.

The nays were Messrs Fleming Henderson Lee Ross Rains and Wellborn.

On motion of Mr Rains the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, December 22.*—The Senate met pursuant to adjournment. Mr. Fleming offered the following resolution.

That whereas William Fleming, a member of this body, having voted in the negative on a motion to lay on the table a resolution recommending the Hon. John C. Calhoun for the Presidency of the United States, respectfully ask leave to change his vote in as much as he voted by surprise and contrary to his wish on that subject. The resolution was adopted.

Mr Hudson presented documents accompanying the petition of J. R. & S. S. Henry, which were referred to the committee on inland navigation and internal improvement.

Mr McClellan from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of certain persons therein named; an act to change the time of holding the county court of Autauga county; an act to incorporate the town of Jacksonville, in the county of Benton; an act to change the time of holding the winter terms of the county court of Tuscaloosa county; an act permanently to locate the seat of justice for the county of Pike, and for other purposes, an act to authorise the continuance of a company beat in the county of Wilcox, with a less number of privates than forty.

Mr Lee from the select committee to whom was referred a bill to be entitled an act to repeal in part an act, entitled an act to revise and amend the laws in relation to schools and school lands, approved December 25th 1837, reported the same back to the Senate without amendment and recommended its passage. Mr Fleming offered an amendment by way of engrossed ryder, to exempt the county of Madison; when on motion of Mr Cottrell, the bill was laid on the table.

On motion of Mr Baylor, leave was granted to withdraw the petition of John Harris and Roland S. Lock.

Mr Lee offered the following resolution. Resolved by the Senate, that considering the advanced state of the business and the indispensable absence of some of the members of this body, with the consent of the House of Representatives, the Senate, when it adjourns to-day, will adjourn until 10 o'clock A. M. on Thursday next, and that the House of Representatives be requested to inform the Senate on to day, whether they consent to this resolution. The yeas and nays were demanded, and were yeas 11, nays 17; so the Resolution was lost.

The yeas were Messrs Cottrell Fleming Hudson Lee Rains Riddle Simmons Terry Watrous Wellborn and Wilson.

The nays were Messrs President Baylor Dent Devereaux Farrar Frasier Hudson King McClellan McVay Mays Ross Rice Rogers Smith Toulmin and Ward.

Mr McClellan introduced a bill to be entitled an act to incorporate the town of Mardisville, in the county of Talladega, which was read the first time and ordered to a second reading on to-morrow. The Senate then proceeded to the orders of the day.

The bill to be entitled an act to authorise E. A. McCracken and George W. Crozier and their associates to turnpike a certain road therein named, was read the second time: Mr Watrous offered the following amendment, "provided that the Legislature shall have power to alter, amend or repeal this act, at any time hereafter." Mr Smith moved to amend the amendment by adding thereto "and provided further, that the said E. A. McCracken and George W. Crozier and their associates, are paid by the county or counties in which said road may be, a reasonable compensation for all labor done upon said road: the consideration of the subject was suspended to receive the following message from the House of Representatives, by their principal Clerk, Mr Garrett, Mr President, I am instructed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of electing a Judge of the county court of Benton county; a Judge of the county court of Franklin county; a Solicitor of the sixth judicial circuit, and a Judge of the county court of Clarke county: Whereupon the Senate repaired to the Hall of the House, were seated and Mr President announced the object of the convention of the two Houses. The two Houses then proceeded to the election of a Judge of the county court of Benton county Horatio Griffin and E. T. Smith, being in nomination: for Griffin 30, for Smith 89.

Those who voted for Mr Smith are: Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson Lee McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Word Watrous Welbourn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassengame Bolling Burke Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Ellis Esselman Finley Garner Grigsby Hall Hampton Harris Henderson Hilliard Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Mason McAlpin of G. McAlpin of M. McClanahan of S. McConnell McMillion Meade Mills Mitchell Morris Moore of Mar. Moore of W. Murphy Neely Phillips Philpot Porter Priest Rutherford Simmons Sommers, Tarver Walker Weissenger Williams of T. Withers Wright Wynn and Young.

Those who voted for Mr Griffin, are Messrs Terry and Toulmin of the Senate. Messrs Booth Boston Carmack Douglass Godbold Golding Hammond Hancock Harrison High Hollis Martin, McAlpin of M. McKnight Morrow Moore of M. Rogan Searcy Shields Slater Smith of D. Smith of M. Taylor of F. Taylor of M. Vining Warren Williams of J. and Wilson.

Mr Smith having received a majority of all the votes given and of the two House, was declared by Mr Speaker duly elected Judge of the county court of Benton county.

The two Houses then proceeded to the election of a Judge of the county court of Franklin county, John A. Nooe alone being in nomination.

Those who voted for Mr. Nooe, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson King Lea McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Welborn and Wilson of the Senate. Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassengame Bolling Booth Boston Burke Carmack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Henderson Harris Harrison Hancock High Hilliard Hollis Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlpin of G. McAlpin of M. McClanahan of S. McConnell McMillion Meade Mills Mitchell Morris Morrow Moore of Mar. Moore of W. Murphy Neely Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Simmons Slater Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissenger Williams of J. Williams of T. Wilson Withers Wright and Young of the House of Representatives.

Mr Nooe having received all the votes given and a majority of the two Houses was declared by Mr Speaker duly elected Judge of the county court of Franklin county.

The two Houses then proceeded to the election of a Solicitor of the 6th judi-

cial circuit, Walter E. Coleman, William Wiley, George S. Barry, Francis T. Jackson and Jefferson Buford being in nomination—for Coleman 23, Wiley 15, Barry 25, Jackson 37, Buford 22.

Those who voted for Mr Coleman are Messrs Farrar Lee Ross Smith and Watrous of the Senate, and Messrs Bates Burke Cook of L. Creagh Crenshaw Hammond Hampton Kennedy Lipscomb McAlpin of G. McClannahan of S. Meade Mitchell Moore of W. Priest Rogan Vining and Young of the House of Representatives.

Those who voted for Mr Wyly, are Messrs Cottrell and Henderson of the Senate, and Messrs Clifton of D. Crawford Earle Grigsby Jones of B. Jones of P. Mason McMillan Moore of Mar. Neely Phillips Tarver Walker and Wright of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Dent Frazier King Rice Rains Terry Toulmin Welbourn and Wilson of the Senate, and Messrs Boston Clifton of C. Godbold High Hollis Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor F Taylor of M and Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs Booth Carmack Douglass Esselman Finley Garner Golding Hall Hancock Harris Harrison Henderson Holley Jones of C. Lindsay McAllister McAlpin of M. McClannahan of M. McConnell McKnight Mills Morris Murphy Rutherford Slater Smith of D. Sommers Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford are Messrs President Devereux Mays Riddle and Ward of the Senate and Messrs Speaker Abercrombie Andrews Baldwin Baker Blassingame Bolling Clanton Crayton Ellis Hilliard Moore of Mad. Porter Simmons Warren Weissinger and Williams of T. of the House of Representatives.

Mr Speaker having declared neither to have a constitutional majority, the two Houses proceeded to ballot again for Coleman 25, Wyly 11, Barry 24, Jackson 37, Buford 21.

Those who voted for Mr Coleman are Messrs Farrar King Lee Ross Smith and Watrous of the Senate, and Messrs Bates Burke Clifton of D. Cook of L. Creagh Crenshaw Hammond Hampton Kennedy Lipscomb McAlpin of G. McClannahan of S. Meade Mitchell Moore of W. Phillips Rogan Vining and Young of the House of Representatives.

Those who voted for Mr Wyly are Messrs Cottrell Hudson of the Senate, and Messrs Andrews Crawford Grigsby Jones of B. Jones of P. Mason McMillan Moore of Mar. and Wright of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Welbourn and Wilson of the Senate and Messrs Boston Clifton of C. Godbold High Hollis Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor of F. Taylor of M and Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Fleming Hudson McClellan McVay Rogers and Simmons of the Senate—and Messrs Booth Carmack Douglass Esselman High Garner Golding Hall Hancock Harris Harrison Henderson Holley Lindsay McAllister McAlpin of M. McClannahan of M. McConnell McKnight Mills Morris Murphy Priest Rutherford Slater Smith D. Sommers Walker Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford are Messrs President Devereux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Baldwin Baker Blassingame Bolling Clanton Crayton Earle Ellis Hilliard Moore of Mad. Neely Porter Simmons Tarver Warren Weissinger Williams of T. of the House of Representatives.

Neither having received a constitutional majority, the two Houses proceeded to ballot again; Mr Wyly, was withdrawn from nomination, for Coleman 29, Barry 22, Jackson 41, Buford 27.

Those who voted for Mr Coleman, are Messrs Farrar Henderson King Lee Ross Smith and Watrous of the Senate, and Messrs Bates Burke Clifton of D. Cook of L. Creagh Crenshaw Esselman Hammond Hampton Henderson Jones of B. Kennedy Lipscomb McAlpin of G. McClannahan of S. Mitchell Moore of W. Phillips Rogan Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Welbourn and Wilson of the Senate, and Messrs Boston Clifton of C. Godbold High Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor of F. Taylor of M and Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs Booth Carmack Douglass Finley Garner Golding Hall Hancock Harris Harrison Holley Lindsay Mason McAlpin of M. McClannahan of M. McConnell McKnight McMillan Mills Morris Moore of Mad. Moore of Mar. Murphy Priest Rutherford Slater Smith of D. Sommers Walker Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Buford are Messrs President Devereux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Andrews Baldwin Baker Blassingame Bolling Clanton Crawford Crayton Earle Ellis Grigsby Hilliard Jones of P. Neely Porter Simmons Tarver Warren Weissinger and Williams of T. of the House of Representatives.

Neither having the requisite number of votes, the two House proceeded to ballot again, for Coleman 26, Barry 23, Jackson 44, Buford 25.

Those who voted for Mr Coleman, are Messrs Farrar Henderson King Lee Ross Smith and Watrous of the Senate, and Messrs Bates Burke Clifton of D. Creagh Crenshaw Hammond Hampton Jones of B. Kennedy Lipscomb McAlpin of G. McClannahan of S. Meade Mitchell Moore of W. Rogan Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry are Messrs Baylor Dent Frazier Rice Rains Terry Toulmin Wellborn and Wilson of the Senate, and Messrs Boston Clifton of C. Godbold Hollis Martin Morrow Payne Philpot Searcy Shields Smith of M. Taylor of F. Taylor of M. and Wynn of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs Booth Carnack Cook of L. Douglass Earle Esselman Finley Garner Godbold Golding Hall Hancock Harris Harrison Henderson High Holly Lindsey Mason McAlister McAlpin of M. McClannahan of M. McConnell McKnight McMillon Mills Morris Moore of Mad. Moore of Mar. Murphy Priest Rutherford Slater Smith of D. Sommers Williams of J. Wilson and Withers of the House of Representatives.

Those who voted for Mr Buford, are Messrs President Devereaux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Address Baldwin Baker Blassingame Bolling Clanton Crawford Crayton Ellis Grigsby Hilliard Jones of P. Neely Phillips Porter Sommers Tarver Walker Warren Weissinger and Williams of T. of the House of Representatives.

Neither having a constitutional majority, the two Houses proceeded to ballot again, for Coleman 21, Barry 10, Jackson 53, Buford 34.

Those who voted for Mr Coleman, are Messrs Farrar Henderson King Lea Ross Smith and Watrous of the Senate, and Messrs Burke Creagh Crenshaw Earle Hammond Jones of B. Kennedy Lipscomb McClannahan of S. Meade Moore of W. Vining Wright and Young of the House of Representatives.

Those who voted for Mr Barry, are Messrs Baylor Frazier Rice Terry Wellborn and Wilson of the Senate, and Messrs Boston Godbold Philpot and Taylor of F. of the House of Representatives.

Those who voted for Mr Jackson, are Messrs Cottrell Fleming Hudson McClellan McVay Rogers and Simmons of the Senate, and Messrs Carnack Clifton of C. Cook of L. Douglass Esselman Finley Garner Godbold Golding Hall Hampton Hancock Harris Harrison Henderson High Hollis Holly Lindsey Martin Mason McAlister McAlpin of M. McClannahan of M. McConnell McKnight McMillon Mills Morris Morrow Moore of Mad. Moore of Mar. Murphy Payne Rogan Rutherford Searcy Shields Slater Smith of D. Smith of M. Sommers Taylor of M. Williams of J. Wilson Withers and Wynn of the House of Representatives.

Those who voted for Mr Buford, are Messrs President Dent Devereaux Mays Riddle and Ward of the Senate, and Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Clanton Clifton of D. Crawford Crayton Ellis Grigsby Hilliard Jones of P. McAlpin of G. Mitchell Neely Phillips Porter Priest Simmons Tarver Walker Warren Weissinger and Williams of T. of the House of Representatives.

There not being a choice, Messrs Coleman and Barry were withdrawn from nomination, the two Houses proceeded to ballot again—for Mr Jackson 70, for Mr Buford 49.

Those who voted for Mr Jackson, are Messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hudson McClellan McVay Rogers Simmons Terry Toulmin and Wilson of the Senate, and Messrs Booth Boston Carnack Clifton of C. Cook of L. Douglass Esselman Finley Garner Godbold Golding Hall Hammond Hancock Harris Harrison Henderson High Hollis Holly Lindsey Lipscomb Martin Mason McAlister McAlpin of M. McClannahan of M. McConnell McKnight McMillon Meade Mills Morris Morrow Moore of Mad. Moore of Mar. Murphy Payne Philpot Rogan Rutherford Searcy Shields Slater Smith of D. Smith of M. Sommers Taylor of F. Taylor of M. Vining Walker Williams of J. Wilson Withers Wright and Wynn of the House of Representatives.

Those who voted for Mr Buford, are Messrs President Dent Devereaux King Lee Mays Ross Rice Riddle Smith Ward and Watrous of the Senate, and Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Clanton Clifton of D. Crawford Crayton Creagh Crenshaw Earle Ellis Grigsby Hampton Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClannahan of S. Mitchell Moore of W. Neely Phillips Porter Priest Simmons Tarver Walker Weissinger Williams of T. and Young of the House of Representatives.

Mr Jackson having received a majority of all the votes given and of the two Houses was declared by Mr Speaker duly elected Solicitor of the sixth judicial circuit.

The two Houses then proceeded to the election of the county court of Clarke county, Joseph Portis alone being in nomination.

Those who voted for Mr Portis, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson King Lea McClellan McVay Mays Ross Rice Rogan Riddle Rains Simmons Smith Terry Toulmin Watrous Wellborn and Wilson of the Senate, and Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carnack Clanton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Esselman Finley Garner Godbold Golding Grigsby Hall Hammond Hampton Hancock Harris Harrison High Hilliard Holley Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClannahan of M. McConnell McKnight McMillon Meade Mills Mitchell Morris Morrow Moore of Mad. Moore of Mar. Moore of W. Murphy Neely



Payne Philpot Phillips Porter Priest Rogan Rutherford Searcy Shields Simmons Slater Smith of D. Smith of M. Sumners Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissenger Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr Portis having received all the votes given and a majority of the two Houses was declared by Mr Speaker, duly elected Judge of the county court for Clarke county.

The Senate then retired to the Senate chamber, Mr President resumed his seat; when Mr Simmons moved that the Senate adjourn till Wednesday morning next, which was adopted.

*Wednesday December 26* — The Senate met pursuant to adjournment. On motion of Mr McClellan, leave of absence was granted to Mr Simmons, Senator from Autauga, until Wednesday next. On motion of Mr Mays, leave of absence was granted to Mr Cottrell, Senator from Lowndes; until Monday morning next. On motion of Mr McVay, leave of absence was granted to Mr Lloyd, Senator from Blount, until Monday morning.

Mr President presented a document in relation to the contested election which was referred to the committee on privileges and elections.

Mr Rogers presented an account of D. H. Valliant, sheriff of Lawrence county, which was referred to the committee on accounts and claims.

Mr Smith presented the petition of Harriet Pilate, which was laid on the table. Message from the House of Representatives, by Mr Phelan, Mr President, the House of Representatives has adopted the following resolution.

RESOLVED, That with the concurrence of the Senate, a committee be appointed on the part of the House to act jointly with such committee as may be appointed on the part of the Senate, to take into consideration the subject of permanently establishing the line between this State and the State of Georgia, and has appointed on its part messrs. McKnight, Smith of D. and Phillips.

The House has also passed a bill to change the time of holding the county court of Morgan county, in which the concurrence of the Senate is desired; also the following resolution.

RESOLVED, That the two Houses will assemble in the Representative Hall on this day at 12 o'clock, for the purpose of electing a Judge of the county court of Pike county. The message was concurred in and Mr President appointed messrs. McClellan Frazier and Wellborn a committee under the resolution.

The engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the county court of Morgan county, was read the first time and on motion of Mr Rice, the constitutional rule was dispensed with, the bill was read the second time, the constitution rule again dispensed with, the bill read the third time and passed the Senate. *Ordered* that it be entitled as above.

Mr Smith introduced a bill to be entitled an act for the relief of Harriet Pilate which was read the first time and ordered to a second reading on to-morrow.

Mr McClellan introduced a bill to be entitled an act to incorporate the town of Syllacogga, in Talladega county, which was read the first time and ordered to a second reading on to-morrow.

Mr McClellan introduced a bill to be entitled an act to grant certain persons therein named in the county of Talladega, which was read the first time and ordered to a second reading.

The Senate resumed the consideration of the bill to be entitled an act to authorise E. A. McCrackin, George W. Crozier and their associates to turnpike a certain road therein named. Mr Smith withdrew his amendment. On motion of Mr McClellan, the amendment offered by Mr Watrous, was laid on the table, which on motion of Mr Farrar, the Senate indefinitely postponed the further consideration of the bill.

The Senate then proceeded to the orders of the day. The bill to be entitled

an act, the better to secure a safe and prudent management of the State Bank and Branches thereof, was read the second time and referred to the committee on the State Bank.

The bill to be entitled an act to incorporate the town of Mardisville in the county of Talladega, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The joint resolution of the General Assembly of the State of Alabama, were taken up and laid on the table until Monday next.

Mr Terry offered the following resolution: *Resolved by the Senate*, that, the House of Representatives concurring in the same, no new business shall be received of any sort whatever, from and after the 15th day of January, 1839: *Provided, nevertheless*, that this resolution shall not be so construed, that any business from the Bank or any of the Branch Banks at Mobile, Montgomery; Decatur and Huntsville, or the Planters and Merchants Bank of Mobile, or the Mobile Bank, or petitions from any portion of the citizens of the State of Alabama, Mr Dent moved to lay the resolution on the table. The yeas and nays were called for, and were yeas 9, nays 13.

The yeas were Messrs Dent, Devereaux, Frazier, Henderson, Hill, Hudson, Rice, Rogers and Smith.

The nays were Messrs President, Baylor, Farrar, Fleming, Lee, McClellen, McVay, Mays, Ross, Terry, Toulmin, Ward and Wellbourn.

The motion was lost and the resolution was then concurred in.

Message from the House of Representatives, by Mr Garrett.

Mr President—I am instructed by the House of Representatives to invite the Senate into the Hall of the House, for the purpose of electing a Judge of the County Court of Pike county.

Whereupon the Senate repaired to the Hall of the House, were seated. Mr President announced the object of the convention of the two Houses.

The two houses then proceeded to the election of a judge of the county court of Pike county, Joseph W. Townsend and John Boswell being in nomination.

Those who voted for Mr Townsend, are Messrs President Baylor Devereaux Farrer Fleming Frazier Henderson Hill Hudson McClellen Mays Rice Rogers Smith Terry Toulmin Ward and Wellbourn of the Senate, and Messrs Andrews Baldwin Bolling Booth Boston Carmack Clifton of C. Crayton Creagh Crenshaw Douglass Epselman Finley Garner Godbold Golding Hammond Hancock Harris Harrison High Jones of C. Lindsay Lapsecomb Martin Mason McAllister McAlpin of M. McClanahan of M. McConnell McKnight McMillon Mills Morris Murphy Payne Philpot Rogan Searcy Simmons Slater Smith of D. Smith of M. Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—69

Those who voted for Mr Boswell, are Messrs. Dent Lee McVay and Ross of the Senate, and Messrs Speaker Abernethy Baker Bates Blasingame Booth Clanton Clifton of D. Cook of L. Crawford Earle Grigsby Hampton Henderson Hilliard Jones of B. Kennedy Mitchell Moore of W. Moore of W. Phillips Porter Priest Rutherford Walker Weissenger and Young of the House of Representatives. 31

Mr Townsend having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Judge of the county court of Pike county. The Senate then retired to the Senate Chamber and Mr President resumed his seat.

Mr Toulmin introduced a bill to be entitled an act concerning the Mobile and Cedar Point rail road company, which was read the first time, the constitutional rule dispensed with, the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr McClellen offered the following resolution: *Resolved*, that the committee on privileges and elections, be instructed to inquire into the expediency of discontinuing the election precinct heretofore established at the house of Levi D. Coleman in Talladega county, and that one in lieu thereof be established at Patterson's Mills in said county: the resolution was adopted.

On motion of Hudson the Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, Dec. 27*—The Senate met pursuant to adjournment. Mr Hudson presented the account of Charles Lewin, which was referred to the committee on accounts and claims.

Mr Terry presented the account of Thomas Redus, Sheriff of Limestone county, which was referred to the committee on accounts and claims.

The Senate then proceeded to the orders of the day. The engrossed bill to entitled an act to incorporate the town of Mardisville in the county of Talladega, was read the third time and passed the Senate. *Ordered*, that it be entitled as above. The engrossed bill to be entitled an act, concerning the Mobile and Cedar Point rail road company, was read the third time and passed the Senate. *Ordered*, that it be entitled as above. The bill to be entitled an act for the relief of Harriet Pilate, was read the second time and referred to the committee on the judiciary. The bill to be entitled an act to incorporate the town of Syl-lacogga in Talladega county, was read the second time, Mr Watrous moved to amend by adding "provided the Legislature shall at any time hereafter have power to alter, amend, or repeal this act"—On motion of Mr McClellan, the amendment was laid on the table and the bill ordered to be engrossed for a third reading on to-morrow. The bill to be entitled an act to grant certain persons therein named the privileges of citizenship in the county of Talladega, was read the second time and referred to the committee on the judiciary.

Message from the House of Representatives, by Mr Phelan. Mr President: The House of Representatives has passed bills of the following titles, viz:

A bill to be entitled an act to alter the time of holding the county court for the county of Covington and for other purposes therein specified; An act to establish the permanent seat of justice for the county of Russell; An act to change the mode of collecting tax in the county of Marion; An act for the relief of Averly Manning; An act to establish by law, muster days in the first division, second brigade of Alabama militia; An act to authorise the judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax; An act to incorporate the town of Wedowee; An act to repeal so much of the first section of the fourth chapter, of the militia code of this State, approved, December 20, 1837, as provided that no person be eligible to either of the offices of the militia of this State, above the rank of captain, unless he be at time of election a commissioned officer in the militia, or volunteers, or shall have served three years as a commissioned officer in the militia or volunteers of this State; An act to regulate judicial proceedings; An act for the relief Henry Hunter; An act to incorporate Luksa Academy; An act to authorise the formation of militia company in the county of Covington with a less number than forty privates and for other purposes.

The House has also read and adopted a joint memorial to the Congress of the United States on the subject of the Creek Indian depredations, in which the concurrence of the Senate is requested—also, a bill to be entitled an act to alter and amend an act entitled an act to provide for the sale of land and slaves in the town Courtland in certain cases, approved, December 21, 1837, which originated in the Senate.

The engrossed bill from the House of Representatives to be entitled an act to alter the time of holding the county court for the county of Covington and for other purposes therein specified, was read the first time and the constitutional rule being dispensed with, was read a second time, the constitutional rule being again dispensed with, was read the third time and passed. *Ordered* to be entitled as above.

The engrossed joint memorial from the House of Representatives to the Congress of the United States on the subject of Creek Indian depredations, was read and adopted.

The engrossed bill from the House of Representatives, to be entitled an act

to incorporate the Liekaa Academy, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act for the relief of Henry Hunter, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to repeal so much of the first section of the fourth chapter of the militia code of this State, approved, December 20, 1837, as provides that no person be eligible to either of the offices of the militia of this State above the rank of captain, unless he be at the time of election a commissioned officer in the militia or volunteers of this State, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to change the mode of collecting the tax in the county of Marion, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act for the relief of Aerly Manning, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to establish by law, muster days in the first division, second brigade of Alabama militia, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue for the county of Jackson, to collect a tax, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Wedowee, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to authorise the formation of militia companies in the county of Covington with less number of privates than forty and for other purposes, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to establish the permanent seat of justice for the county of Russell, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to regulate judicial proceedings, was read the first time and ordered to a second reading on to-morrow.

Mr Fleming introduced a bill to be entitled an act for the relief Cynthia Finley, which was read the first time, the constitutional rule being dispensed with, it was read a second time and referred to the committee on the judiciary.

Mr Hudson offered the following resolution: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of abolishing an election precinct in the town of Chickasaw in the county of Franklin, and establish one in lieu thereof at the house of Charles Rutledge in said county, and also of establishing one at the house of Mastin Green, in said county, west of big Bear creek, and abolish Richie's precinct in Jefferson county, with leave to report by bill or otherwise—adopted.

Mr Wellbourn introduced the petitions of sundry citizens of Chambers county for compensation for James Thompson for public services as county Judge, which was referred to the committee on accounts and claims.

Mr McClellen introduced a bill to be entitled an act to raise a revenue for the county of Randolph, which was read the first time and ordered to a second reading on to-morrow.

Mr Mays introduced a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax, which was read the first time and ordered to a second reading on to-morrow.

Mr King introduced a bill to be entitled an act to incorporate Liberty Academy in the county of Pickens, which was read the first time and ordered to a second reading on to-morrow.

Mr Henderson offered the following report:

The committee on county boundaries, to whom was referred, a resolution instructing them to inquire into and ascertain as near as may be, whether or not some of the new counties are not under the constitutional limits, and if so, what is necessary to make them constitutional counties, have had the same under consideration and upon examination, find that five of the new counties fall short of their constitutional number of square miles, viz: the county of Marshall falls short two hundred and eighty square miles: the county of DeKalb falls short two hundred and sixteen square miles: the county of Cherokee falls short one hundred and forty-four square miles: the county of Chambers falls short one hundred and eighty-two square miles, and the county of Randolph forty-one square miles, and on adding together the deficiency of the five counties above named, they fall short about eight hundred and seventy-three square miles.— We also find on further examination, that the county of Talladega contains about two hundred and six square miles over her constitutional number, the county of Jackson two hundred and the county of Benton, one hundred and eighty, making over their constitutional number, five hundred and eighty-six square miles, when taken from the deficiency of the five first named counties, will leave a deficiency of territory of two hundred and eighty seven square miles, to complete and make the above named counties constitutional, therefore, one of the new counties should be abolished and so divided as to give the others respectively, their constitutional number of square miles.

Mr Hudson moved that the report be referred back to the committee on county boundaries with instruction to bring in a bill in accordance with the report just made on the resolution, which was adopted.

Mr Wellborn from the committee on military affairs to whom was referred, the proceedings of the military convention lately held at this place and the petition of the field and line officers of the thirteenth brigade and the resolution of the Senate, instructing them to inquire into the expediency of distributing a portion of the public arms belonging to this State, to each brigade, to be used at brigade drills, also instructing them to inquire into the expediency of furnishing officers at brigade drills with tents and camp equipage, reported and recommended the passage of a bill, which was read the first time, when on motion of Mr Frazier, the subject was recommitted to the committee on military affairs.

On motion of Mr Hudson, the Senate adjourned until to-morrow ten o'clock, A. M.

*Friday, December, 28.*—The Senate met pursuant to adjournment. Mr President presented the report of the President of the State Bank in reply to certain interrogatories contained in a resolution adopted on the 7th instant, which, on motion of Mr Hudson, were referred to the committee on the State Bank.

Mr President presented the petition of Lawson Thomas a free man of color, which was referred to the committee on propositions and grievances.

Mr Mays from the committee on the State Bank, to whom was referred, a resolution instructing them to inquire whether or not a clerk or clerks has not been employed by the three commissioners appointed by the Governor to examine the State Bank and its several Branches, and by whom employed and by

whom paid and report the amount paid, and whether or not said clerks did not examine the Banks in the absence of the commissioners; and also to report to the Senate so much of the journal of the Bank of the State of Alabama as relates to the appointment of said clerks by the commissioners, reported that they had discharged the duties assigned them and asked permission to submit accompanying documents as a part of their report—the report and documents were laid upon the table.

Mr Mays from the same committee to whom was referred a resolution instructing them to inquire into the expediency and propriety of passing a law amendatory to the law extending the indebtedness to the Bank of the State of Alabama and the Branches thereof, passed at the called session in June, 1837, so as to authorise said persons to pay said instalments, interest and all costs thereon, and permit their indebtedness to run on, as though no failure had taken place, reported that it was inexpedient to legislate on the subject. The report was laid on the table.

Mr Mays from the same committee to whom was referred a resolution instructing them to inquire into the expediency of reducing the rate of interest upon the extended debt, and also upon the five million loan, reported, that legislation upon the subject was inexpedient and unnecessary. The report was laid on the table.

Mr Mays from the same committee to whom was referred, the petition of sundry citizens of Jackson county, praying an extension of the debt due to the Bank of the State of Alabama and the Branches thereof, reported it inexpedient to legislate upon the subject. The report was concurred in.

Mr McClean from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles to wit: An act for the support of paupers in the county of St. Clair; an act to change the time of holding the county courts in the county of Morgan; joint memorial of the Senate and House of Representatives to the Congress of the United States; an act to alter and amend an act to provide for the sale of lands and slaves at the town of Courtland in certain cases, approved 21st December, 1837.

Mr Mays from the same committee to whom was referred, a bill to be entitled an act to regulate the mode and limit the number of Bank Directors for the State Bank and its several Branches at Mobile, Montgomery, Decatur and Huntsville, and for other purposes, reported the same back to the Senate with amendments, which was concurred in. Mr Dent moved to strike out the first section, and demanded the yeas and nays. On motion of Mr Hudson, the Senate postponed the further consideration of the bill until to-morrow.

Mr Mays from the same committee to whom was referred, a bill to be entitled an act to alter and amend in part, the charter of the Bank of the State of Alabama and the several Branches thereof, reported it inexpedient to pass the bill. The report was laid on the table.

Mr Mays from the same committee to whom was referred, the petition of sundry citizens from the county of Limestone, reported, that the objects of the petition were embraced in a bill heretofore reported by the committee. The report was laid on the table.

Mr Lee from the committee on the State Bank to whom was referred, a bill to be entitled an act to secure to the community the benefits of an extended and undepreciating currency, reported the same back to the Senate without amendment. Mr Mays moved to strike out all after the first section. Mr President moved to postpone the further consideration of the bill until the first day of March next. The yeas and nays were called for and were yeas 22, nays 4.

The yeas were Messrs President Baylor Dent Farrar Fleming Frazier Henderson Hill Hudson King Lloyd McCallister McVay Mays Rice Riddle Terry Toulmin Ward Watrous Wellbourn and Wilson.

The nays were Messrs Lee Ross Rogers and Smith.

So the motion was carried.

Mr Lee from the committee on internal improvement and inland navigation to whom



was referred, a bill to be entitled an act to develope and improve the internal resources of the State of Alabama, reported the same back to the Senate with the following amendment, to strike out the fifth section and in lieu thereof insert "section five, and be it further enacted, that the proceeds of the State bonds authorised to be issued by an act entitled an act to authorise persons therein named, to raise a loan in behalf of the State of Alabama of two millions five hundred thousand dollars, approved, 23d day of December, 1837, when sold and deposited according to the provisions of the above recited act, together with so much of the surplus revenue of the General Government, as is now deposited in the State Bank and its several Branches, shall be set apart and hereafter known and designated as the internal improvement fund of the State of Alabama, the nett annual profits of which shall be appropriated to the payment of such stock as shall be subscribed for in behalf of the State, under the provisions of this act." The passage of the bill was recommended, the amendments were concurred in as reported. Mr Frazier moved to strike out "five," the motion was adopted. Mr. President moved to postpone the further consideration of the bill until Wednesday next, which motion was carried.

Mr Lee, from the committee on internal improvement and inland navigation, to whom was referred a petition of numerous citizens of Conecuh county, praying an appropriation for the improvement of the navigation of Conecuh river, reported that the committee have endeavored to embrace the object of the prayer of the petitioners in a bill, which will be reported to the Senate by the committee on internal improvement and inland navigation; also, the same committee to whom was referred a resolution in relation to the improvement of said river, as far up as Montezuma, Mr Lee reported that the object of said resolution was embraced in the same bill, the passage of which was respectfully recommended to the Senate. *Ordered*, To be laid on the table.

Mr Lee, from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals Canal, approved Dec. 25; 1837, reported the same back to the Senate with the following amendment, and recommended the passage of the bill, after the word 'in,' in the third line of the first section, insert the words 'in the first section of.' The report and amendments were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Smith, from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Coosa, Tallapoosa, Tombeckbee and Black Warrior rivers, reported a bill as a substitute in lieu thereof. Mr Rice moved to amend by adding an appropriation of ten thousand dollars for the improvement of the navigation of Paint river and Catsee creek, in the county of Morgan, the amendment was laid on the table, and on motion of Mr Dent, the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, Dec. 29.*—The Senate met pursuant to adjournment. Mr Farrar presented a petition from sundry citizens of Benton county, which was referred to the committee on county boundaries.

Mr Dent moved to reconsider the vote of yesterday, postponing the consideration until the 1st of March next, of a bill to be entitled an act to secure to the community the benefits of an extended and undepreciating currency; the motion was carried and the bill laid on the table.

The Senate resumed the consideration of a bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombeckbee, Black Warrior, Conecuh and Paint Rock rivers. Mr Smith moved to strike out the proviso in the 6th section. Mr Rice moved to strike out all after the enacting clause. Mr Dent moved to postpone the further consideration of the bill until

the first of June next—motion withdrawn—and on motion of Mr Rains, the bill was laid on the table and made the order of the day for Monday next.

Mr Lee, from the judiciary committee to whom was referred a bill to be entitled an act granting certain persons therein named, the privileges of citizenship in Talladega county, reported the same back to the Senate, with the following amendments: in the 13th line, 1st section, after the word 'roads' insert 'being liable to enrollment, appointment, &c. in the beat nearest their residence respectively.' The amendments were concurred in and the bill ordered to be engrossed for a third reading on Monday next.

Mr Mays, from the same committee to whom was referred a bill to be entitled an act to incorporate the city of Montgomery, approved December 23, 1837, reported it back to the Senate with an amendment as an additional section, which was concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Lee, from the same committee to whom was referred a bill to be entitled an act for the relief of Harriet Pilate, reported the same back to the Senate with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Lee, from the same committee to whom was referred a bill to be entitled an act for the relief of Cynthia Finley, reported the same with an amendment as a proviso, as follows: '*Provided*, This act shall in no manner impair the rights of other heirs, or the creditors of the deceased.' The amendment was concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Wellborn, from the committee on military affairs, to whom was referred a bill to be entitled an act to repeal in part and amend the militia laws of this State, reported the same with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Message from his Excellency the Governor, by his private Secretary, Mr Gooch.

*Executive Department, Tuscaloosa, Dec. 28, 1838.*

SIR: A vacancy has occurred in the office of Judge of the County Court of Limestone county, by the resignation of the Hon. Paul Hildrith.

A. P. BAGBY.

Hon. JAMES M. CALHOUN, *President of the Senate.*

Message from the House of Representatives by Mr Phelan. Mr President: The House of Representatives has passed bills of the following titles, to wit: An act to declare Wright's creek, in the county of Covington, a public highway, and for other purposes therein named; an act to repeal in part an act therein named; an act to amend an act passed 23d Dec. 1837, declaring Sipsey river a public highway; in which they ask the concurrence of the Senate; also an act exempting property from levy and sale, by virtue of an execution, so far as regards the county of Henry, passed Dec. 2, 1837; an act to repeal in part an act entitled an act to increase the pay of jurors in certain counties therein named; an act prescribing the duties of the county Treasurer of Franklin county; and an act to define the limits of the town of Somerville, in the county of Morgan, and to incorporate the same, which originated in the Senate.

The engrossed bill from the House of Representatives to be entitled an act to amend an act passed 23d Dec. 1837, declaring Sipsey river a public highway, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives, to be entitled an act to declare Wright's creek, in the county of Covington, a public highway, and

for other purposes therein named, was read the first time and ordered to be laid on the table.

The engrossed bill from the House of Representatives to be entitled an act to repeal in part an act therein named, was read the first time and ordered to a second reading on Monday next.

Message from the House of Representatives by Mr Phelan: Mr President:—The House of Representatives has passed bills of the following titles, viz: An act to divorce Martha Roberts from her husband, William Roberts; an act to divorce Lucretia T. Tate from her husband Griffith Tate; an act to divorce Eli-za A. F. Anderson, from her husband Edmund R. Anderson, an act to divorce Caroline L. Neily, from her husband Jobal L. Neily; an act to legalize the acts of Moses H. Hughes as sheriff of Cherokee county; an act to provide for building a court-house and jail in the county of St. Clair; an act to incorporate the town of Payneville, in the county of Sumter; an act to incorporate the Light Artillery Borderers; an act to repeal an act now in force, confining the collection of debts before a Justice of the Peace, in the beat where the contract was made, so far as regards the county of Sumter; an act to incorporate the city of Wetumpka; an act to amend and revive an act to incorporate the Fairfield and Macon Rail Road Company, approved Dec. 23, 1831; an act to appoint an additional surveyor in the counties of Randolph, Marshall and Madison; an act to revive and amend an act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section 21, of township 21, in range 10, west of the meridian of Huntsville, passed Dec. 20, 1820; an act to authorize Hazle Littlefield to erect a grist and saw mill on the east bank of the Coosa river, in the county of Benton; also, an act authorizing an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox, which originated in the Senate, and has amended the same as therein shewn: in which the concurrence of the Senate is desired.

The engrossed bill from the House of Representatives, to be entitled an act to authorize Hazle Littlefield to erect a grist and saw mill on the east bank of the Coosa river, in the county of Benton, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives, to be entitled an act to revive and amend an act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section 21, of township 21, in range 10, west of the meridian of Huntsville, passed Dec. 20, 1820, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives, to be entitled an act to appoint an additional surveyor in the counties of Marshall, Madison and Randolph, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the city of Wetumpka, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to repeal in part an act now in force confining the collection of debts before a Justice of the Peace, in the beat where the contract was made, so far as the county of Sumter is concerned, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representative to be entitled an act to incorporate the Light Artillery Borderers, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Payneville, in the county of Sumter, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to provide for building a court house and jail in the county of St. Clair, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to legalize the acts of Moses H. Hughes, as sheriff of Cherokee county, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to divorce Caroline L. Neily from her husband Jubal L. Neily, was read the first time and ordered to second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to divorce Eliza A. F. Anderson from her husband Edmund R. Anderson, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to divorce Lueretia T. Tate from her husband Griffith Tate, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to amend and revive an act to incorporate the Fairfield and Macon Rail Road Company, approved Dec. 23, 1834, was read the first time and ordered to a second reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to divorce Martha Roberts from her husband William Roberts, was read the first time and ordered to a second reading on Monday next.

The engrossed bill of the Senate to be entitled an act authorizing an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox, was taken up, and the amendment of the House concurred in.

Mr Baylor introduced a bill to be entitled an act the better to regulate the operations of the Bank of the State of Alabama and its branches, which was read the first time and ordered to a second reading on Monday next.

Mr Fleming introduced in the Senate a joint memorial, requesting Congress to cede to the State of Alabama, the Muscle Shoals Canal, which was referred to the committee on inland navigation and internal improvement.

Mr Toulmin introduced a bill to be entitled an act to repeal in part an act therein named, which was read the first time, the constitutional rule was dispensed with, it was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Rains introduced a bill to be entitled an act for the relief of A. A. Anderson, R. Gayle and Josiah T. Kirksey, which was read the first time and ordered to a second reading on Monday next.

Mr Terry offered the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble on Monday the 31st inst. in the hall of the house, for the purpose of electing a Judge of the county court of Limestone county, which was adopted.

Mr Mays introduced a bill to be entitled an act amendatory of the laws in relation to escheats, which was read the first time and ordered to a second reading on Monday next.

Mr Lee introduced a bill to be entitled an act to prescribe the duties of the Attorney General, and for other purposes, which was read the first time and ordered to a second reading on Monday next.

Mr Lee introduced a bill to be entitled an act to repeal in part an act entitled an act to limit the accommodations of the Bank of the State of Alabama, and its several branches, approved Dec. 23, 1837, which was read the first time and ordered to a second reading on Monday next.

Mr King offered the following resolution: *Resolved*, That the committee on the State Bank inquire into the expediency of requiring the President of the State Bank and the Presidents of the different Branches, to assemble together at Tuscaloosa as early as practicable, for the purpose of dividing the State into districts of so many counties each, as nearly equal as may be, giving to each Bank as many counties as may be proportionable to its capital, and of confining each rigidly in its business of accommodation to the district assigned it, and of further requiring the Board of Directors of the State Bank and of each of its Branches, to set apart to each county in their several districts, its fair proportion of accommodation, agreeably to population and wealth combined; and of requiring the Directors of the State Bank and its several Branches, whenever any one of them shall determine to increase their loans, that they shall make publication of such intention in some one or two of the public journals of the State, at least fifteen days previous to the time of their doing so, and that they shall keep the amount set apart as required, at least ten days after which, if the amount is not applied for, it may be given to other counties it called for, with leave to report by bill or otherwise. The resolution was adopted.

The engrossed bill from the House of Representatives to be entitled an act to incorporate Liekaa Academy, received a second reading in the Senate and was referred to the committee on education.

The engrossed bill from the House of Representatives, to be entitled an act for the relief of Henry Hunter, received a second reading in the Senate. Mr President offered an amendment, which was concurred in, and the bill was ordered to a third reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to repeal so much of the first section of the fourth chapter of the militia code of this State, approved December 20, 1837, as provides that no person shall be eligible to either of the offices of the militia of this State, above the rank of Captain, unless he be at the time of election, a commissioned officer in the militia or volunteers, or shall have served three years as a commissioned officer in the militia or volunteers of this State, which received a second reading in the Senate, and was ordered to be laid on the table.

The engrossed bill from the House of Representatives to be entitled an act to change the mode of collecting the tax in the county of Marion, received a second reading in the Senate, and was referred to the committee on the judiciary.

The engrossed bill from the House of Representatives to be entitled an act for the relief of Acrely Manning, received a second reading in the Senate and was referred to the committee on the judiciary.

The engrossed bill from the House of Representatives to be entitled an act to establish by law, muster days in the first division, second brigade of Alabama militia, received a second reading in the Senate, and was referred to the military committee.

The engrossed bill from the House of Representatives to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax, received a second reading in the Senate and was ordered to a third reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to

incorporate the town of Wedowee, received a second reading in the Senate and was ordered to a third reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to authorize the formation of militia companies in the county of Corington, with a less number of privates than forty, and for other purposes, received a second reading in the Senate and was referred to the military committee.

The engrossed bill from the House of Representatives to be entitled an act to establish the permanent seat of justice for the county of Russell, received a second reading in the Senate and was ordered to a third reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to regulate judicial proceedings, received a second reading in the Senate and was referred to the committee on the judiciary.

The engrossed bill to be entitled an act to incorporate the town of Syllauga, in Talladega county, received a third reading and passed the Senate.

A bill to be entitled an act to raise a revenue for the county of Randolph, was read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax, was read the second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to incorporate Liberty Academy in the county of Pickens, received a second reading in the Senate and was referred to the committee on education.

A bill to be entitled an act, to amend an act, entitled an act to appropriate a certain sum for the completion of the Muscle Shoal Canal; was read the third time and passed the Senate, *Ordered*, that it be entitled as above.

A bill to be entitled an act to regulate the mode and limit the number of bank directors for the State Bank and its several branches at Mobile, Montgomery, Decatur and Huntsville and for other purposes, received a second reading in the Senate. Mr Lea moved to postpone the bill until the first monday in February next, the ayes and noes were called for which were ayes 6 nays 19, as follows:

AYES—Messrs. Frazier Henderson Lea McClellan Lloyd and Riddle. NAYS—Messrs. President Baylor Devereaux Farrar Fleming Hill Hudson King McVay Mays Ross Rice Rogers Smith Terry Toulmin Watrous Welborn and Wilson. The further consideration of the bill was postponed until Monday next.

Mr Mays offered the following resolution: *Resolved*, That the Secretary of the Senate be empowered to employ assistance and that the usual compensation be allowed for the same, which was adopted.

Mr Baylor introduced a bill to be entitled an act to change the mode of distributing the Laws and Journals among the several counties of this State; which was read the first time and ordered to a second reading on Monday next. Upon motion of Mr Rogers the Senate adjourned till monday morning ten o'clock.

*Monday, Dec. 31.*—The Senate met pursuant to adjournment, there not being a quorum present, Mr Hudson moved a call of the Senate, when the following Senators answered to their names. Messrs. President Dent Devereaux Farrar Hill Hudson King Lea McClellan McVay Mays Riddle Rogers Terry Toulmin and Ward. Several other members appearing, the absentees were on motion of Mr Hudson excused.

Mr Lea from the committee on inland navigation and internal improvement to whom was referred a bill to be entitled an act to appoint three commissioners to settle and pay for work done on the Muscle Shoals Canal, by John R. and



S. S. Henry, assignees of John B. Ives & Co. upon the principles of equity and justice, with instructions that the committee report to the Senate all the evidence and information brought before them on that subject, reported that they have had the whole subject under consideration and direct me to report the bill back to the Senate without amendment; and in compliance with the instructions to submit herewith the documents and papers numbered from one to seven; number one, is the memorial of the Messrs. Henry's named in the bill; number two, a report of the commissioners of the Tennessee Canal to the Legislature, containing specifications of the sections of the Canal on which the memorialists operated; number three, articles of agreement between the memorialists or their assignees and the commissioners. Number four is the written opinion of the acting engineer as to the matter in dispute; number five, is the exparte statements of Mr Thomas Williams in answer to sundry interrogations by the memorialists. Number six, a letter of F. H. Petrie, civil engineer on the same subject. Number seven, the letter and opinions of David K. Eshler, chief engineer on the work. The foregoing papers with exceptions of the oral statements and explanations of one of the Messrs. Henry's contain all the evidence and information brought before them. By reference to members it will be seen that the grounds upon which the memorialists seek compensation, are that the sections of the canal undertaken and completed by them embraced two descriptions of work, common excavations and river embankment, the latter being estimated (in the terms published previous to letting the contracts) to be worth double as much as the former. That settlements were made according to the monthly estimates and opinions of the three acting engineers. That a large portion of the work done by the memorialists which was river embankments, was through mistake of the engineers or otherwise reported to the commissioners as common excavation and paid for accordingly; that the acting engineer himself gave subsequently an opinion in writing (No. 4.) contrary to that according to which settlements were made, so that if the facts be true as represented the memorialists in consequence of erroneous or contradictory decisions of the engineer, received one hundred per cent less than the amount to which in justice they were entitled. Wherever the mistake occurred as to the character of the work, the committee under the reference and instruction will add nothing more, but submit the whole matter again to the Senate.

Mr Lea offered a substitute, a bill to be entitled an act to authorise and require the Tennessee Canal commissioners to ascertain whether any thing be due to John R. and S. S. Henry, and if so to settle with them accordingly. Mr Henderson moved to strike out "the Tennessee Canal commissioners." Mr Flemming moved to refer the substitute to a select committee, which was carried. Mr President appointed Messrs Fleming, Baylor and Terry the select committee.

Mr Smith from the committee on roads, bridges and ferries, to which was referred the bill to be entitled an act to authorise Sheppard Brazleton, and M. P. Johnson to build a bridge across the Tallapoosa river in the county of Randolph; reported a substitute which was concurred in and ordered to be engrossed.

Mr McClellan from the select joint committee to whom was referred a resolution to take into consideration the subject of permanently establishing a boundary line between this State and the State of Georgia, reported a joint resolution and recommended its adoption; which was read the first time and ordered to a second reading on to-morrow.

Mr Mays introduced the following joint resolutions:

*And whereas*, certain citizens of the State of Maine have been charged in the State of Georgia with a felony committed therein by kidnapping and carrying away certain slaves the property of citizens thereof, and bills of indictment have been duly found in Georgia against the said persons, who are understood to be now resident in and under the protection of the State of Maine; *And whereas*, the Governor of the State of Georgia, has by direction of the Legislature thereof, and according to the provisions of the Federal Constitution demanded of the Governor of Maine those delinquents for trial, under the said bills of indictment; *And whereas*, said Governor of the State of Maine instead of complying with this demand as under the terms of our National compact he was in duty bound, has refused so to do, stating that he will first lay the subject before the Legislature of his State; *And whereas*, from the present aspect of the slave question in the United States it no longer becomes a slave holding State to withhold the decided expression of its sentiments on any subject involving those momentous interests. *Therefore Resolved*, That the State of Georgia in making the demand for the delivery of those delinquents for trial, demanded nothing but what the strictest regard for justice, for respect for herself and the most sacred provisions of our national compact, authorised and required.

*Resolved*, That it is with the deepest concern we perceive one of the Chief Magistrates of our Federated States refusing prompt acquiescence to this just and rightful demand.

*Resolved*, That a failure on the part of the State of Maine to fulfil her constitutional obligations in this particular, will be a fatal blow to the security of our institutions and prosperity, and persecuted in will create great and well founded alarm in the slave holding States.

*Resolved*, That the cause of Georgia is the cause of the whole South, and we will make common cause with her in all proper measures for procuring a redress for these grievances, and the maintenance of her and our common cause; which were read the first time and ordered to be engrossed for Wednesday next.

Mr Mays offered the following resolution: *Resolved*, That it be referred to the committee on the State Bank to enquire into the expediency of prohibiting the issuance by the banks of this State of bills of a less denomination than five, after the first day of July 1839, and of bills of a less denomination than ten, after the first day of July 1840, and of bills of a less denomination than twenty, after the first day of July 1841, which was adopted.

Mr Lloyd offered the following resolution: *Whereas*, it appears from the report of the commission on county boundaries, that Cherokee, DeKalb and Marshall counties have not the Congressional Territory and according to Latourets map; *And whereas*, by the Georgia survey there exists a difference of some ten or twelve miles of mistake in the aforesaid map; *Therefore Resolved*, That the committee on county boundaries be instructed to enquire into that fact and report accordingly; which was adopted.

Mr Terry introduced a bill to be entitled an act to incorporate the town of Mooresville in the county of Limestone; which was read the first time, the constitutional rule dispensed with was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr McClellan introduced a bill to be entitled an act to declare Chockolocko creek a public highway from Davis' to Bagby's mills in the county of Tallapoosa; which was read the first time and ordered to a second reading on to-morrow.

Mr Mays introduced a bill to be entitled an act for the relief of Cyrus Phillips; which was read the first time, the constitutional rule dispensed with was read a second time and referred to the committee on the State Bank.

Mr Frazier introduced a bill to be entitled an act, explanatory of an act thereinafter mentioned, which was read the first time; the constitutional rule dispensed with, was read a second time and on motion of Mr Hudson, was referred to the committee on the committee on the State Bank.

Mr Mays introduced a petition which was referred to the committee on the State Bank.

Mr Smith introduced a bill to be entitled an act for the relief of Isaac Avery, which was read the first time; the constitutional rule dispensed with, was read a second time and referred to the committee on propositions and grievances.

Mr Watrous introduced a bill to be entitled an act, to alter and amend an act,

to revise and amend the the laws in relation to schools and school lands; which was read the first time and ordered to a second reading on to-morrow.

Mr Smith introduced a bill to be entitled an act, to amend an act to incorporate the city of Alabama and Montgomery Rail Road Company, which was read the first time the constitutional rule dispensed with; was read a second time and referred to the committee on inland navigation.

Mr Lea from the judiciary committee, to whom was referred a bill to be entitled an act to regulate certain chancery proceedings, reported the same back to the Senate with the following amendments at the end of the third section, add "provided twenty days previous notice be given of the intention of the party to disprove the same," the report and amendment was concurred in; the bill laid on the table and fifty copies ordered to be printed.

Mr Rice introduced a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue for Morgan county to levy a tax for the purposes therein named, which was read the first time; the constitutional rule dispensed with, was read a second time and ordered to be engrossed.

Mr Ward called up the bill to be entitled an act to declare Wrights creek in the county of Covington a public highway and for other purposes therein named; which was read the first time and ordered to a second reading on to-morrow.

Message from the House of Representatives by Mr Phelan. Mr. President: The House of Representatives have passed bills of the following titles to wit:

An act to divorce Sarah Green from her husband William Green; an act to divorce Elizabeth Green from her husband John M Green; an act to authorise the election of an assessor and tax collector for the counties therein; an act the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county; an act to authorise Levi Williams to erect mills on the Coosa river; an act to divorce Elizabeth Dance from her husband Henry B. Dance; an act to divorce John T. Hall from his wife Mary Hall; an act to compensate Samuel Oliver, David Callaway, Arthur Stripling, Elizabeth Watson, Samuel Feagan the representatives of Lewis Pugh and Mary Harvey for provisions furnished General Moore's brigade; an act for the relief of Cassandra Kelly; an act to divorce John Youngblood from his wife Eliza Jane Youngblood; an act to authorise the judge of the county court and commissioners of roads and revenue for the county of Sumter, to levy and collect a tax for the building of a court house in the town of Livingston of said county of Sumter; an act to amend in part an act to provide for the pay of certain accounts created by the regiments of observation in going to, and returning from Vernon, in which the concurrence of the Senate is requested

The House concurs in the resolutions of the Senate, proposing to go into the election of a Judge of the county court of Limestone county on this day at twelve o'clock.

The engrossed bill from the House of Representatives, to be entitled an act to authorise the Judge of the county court and commissioners of roads and revenue for the county of Sumter: to levy a tax for the building of a court house in the town of Livingston of said county of Sumter; was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to divorce John Youngblood from his wife Eliza Jane Youngblood; was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act

for the relief of Cassandra Kelly, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to compensate Samuel Oliver, Daniel Callaway, Arthur Stripling, Elizabeth Watson, Samuel Feagan, the representatives of Lewis Pugh and Mary Harvey, for provisions furnished General Moore's Brigade, was read the first time, and the constitutional rule dispensed with, was read a second time and referred to the committee on indian expenditures.

The engrossed bill from the House of Representatives, to be entitled an act to divorce John P. Hall from his wife Mary Hall, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to divorce Elizabeth Dance from her husband Henry B. Dance, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to authorise Levi Williams to erect mills on Coosa river, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act, the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to authorise the election of an assessor and tax collector for the counties therein named, was read the first time and ordered to a second on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to divorce Sarah Green from her husband William Green was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to divorce Elizabeth Green from her husband John M. Green, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives, to be entitled an act to amend in part an act to provide for the pay of certain accounts created by the regiments of observation in going to and returning from Vernon, was read the first time, and the constitution rule was dispensed with, was read a second time and referred to the committee on indian expenditures.

Mr Lee introduced a bill to be entitled an act to authorise guardians of minors, idiots and lunatics to receive and remove from this State, any property to which such ward may be entitled, when both guardian and ward reside out of this State, or to remove the same from one county to another in this State, which was read the first time, the constitutional rule was dispensed with, was read a second time and referred to the judiciary committee.

Mr Watrous called from the table a bill to be entitled an act, to incorporate the Wetumpka Insurance Company, ordered to be engrossed.

Mr Baylor offered the following resolution:

*Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of publishing extracts from the proceedings of the several Boards of Directors of the State Bank and its several Branches, so as to show the indebtedness or liabilities of all persons to said Bank and its Branches in any manner whatsoever, together with the names of the persons by whom the paper offered for discount or accommodation may be recommended which was postponed until to-morrow.

Message from the House of Representatives by Mr Garrett, Mr President, I am instructed by house of Representatives, to invite the senate into the hall of the house for the purpose of going into the election of a Judge of the county

court of Limestone county; whereupon the senate repaired to the hall of the house of Representatives, were seated and Mr President announced the object of the meeting; the two houses then proceeded to the election of a Judge for the county court of Limestone county; Fred. B. Nelson alone being in nomination.

Those who voted for Mr. Nelson, are Messrs President Baylor Cottrell Dent Deveraux Farrar Fleun-  
 ing Frazier Henderson Hudson King Lea McClellan McVay Mays Ross Rice Rains Riddle Rogers  
 Simmons Smith Terry Toulmin Ward Watrous Welborn and Wilson of the Senate. Messrs Speaker  
 Abercrombie Address Baldwin Baker Bates Blassengame Bolling Booth Boston Burke Carmack Clam-  
 ton Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis  
 Eschmann Finley Garner Godbold Golling Grigsby Hall Hammond Hampton Henderson Harris Har-  
 nison Hancock High Hillard Hollis Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipcomb  
 Martin Mason McAlister McAlpin of G. McAlpin of M. McAnahan of M. McAnahan of S. McConnell  
 McKnight McMillon Meade Mills Mitchell Morris Morrow Moore of and Moore of Mar. Moore of W.  
 Murphy Nally Phillips Philpot Porter Priest Rogan Rutherford Searcy Shields Shortridge Simmons Slater  
 South of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Weissinger  
 Williams of J. Williams of T. Wilson Withers Wright and Young of the House of Representatives.

Mr Nelson having received all the votes given and a majority of the two houses was declared by Mr Speaker duly elected Judge of the county court of Limestone county; the Senate then retired to the senate chamber: Mr President resumed his seat. The senate then proceeded to the orders of the day: the joint resolutions of the General Assembly of the State of Alabama were taken up and were under discussion; when on motion of Mr Lee, the Senate adjourned until to-morrow morning 10 o'clock.

*A. D. 1838. Tuesday January 1.*—The Senate met pursuant to adjournment. Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act for the relief of William Erwin of Perry county, reported it back to the Senate and recommended its passage; ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act for the relief of Acely Manning, reported it back to the Senate. Mr Mays moved to lay the bill on the table, which was lost: Mr Riddle offered to amend the bill by adding another section, which was adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Watrous from the judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of changing the mode of appointing the clerks of the county and circuit courts of this State, reported that it is inexpedient to legislate upon the subject, which was concurred in.

Mr Lee from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorise a Lottery to remove the obstructions in Noxubee river, reported the same back to the Senate, and express an opinion that it is inexpedient to pass the same. Mr Terry moved to lay the bill on the table, which was carried.

Mr Smith from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also defining the rights and liabilities of the owners thereof, reported the same back without amendment and recommended its passage. Mr Smith moved to lay the bill upon the table, which was carried and thirty copies ordered to be printed.

Mr Lee from the judiciary committee, to whom was referred an engrossed bill to be entitled an act for the better protection of slaves in certain cases, reported the same back to the Senate with the following amendments and recommended its passage; in the third line, strike out the words "or persons not being the owner, overseer or other agent," and after the word "slave" in the fifth line insert "such persons not being a legally appointed patrol or the owner, or overseer or other agent of the owner of such slave;" the amendment was concurred

red in. Mr Lee moved to insert "kind of" between the words "same" and "punishment" in the third line from the bottom, which was carried. Mr Dent moved the postponement of the bill until to-morrow, which was carried.

Mr Lee from the judiciary committee, to whom was referred an engrossed bill to be entitled an act to authorise a Lottery to remove the obstructions in the Suckanatchee river, reported the same back to the Senate, and also that it is inexpedient to pass the same, which was laid on the table.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act in relation to taxes on real estate reported it back to the Senate, and recommended its passage; and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act to allow Judges of the Supreme Court to take acknowledgements of deeds, reported that it is inexpedient to legislate upon the subject, which was concurred in.

Mr Mays from the committee on the judiciary, to whom was referred an act entitled an act amendatory of the several acts of the State of Alabama regulating the licensing and retailing of spiritous and fermented liquors, reported it back to the Senate and recommended its passage. Mr Lee moved to strike out "not less than fifty dollars" at the end of section one, which was lost. Mr Terry moved to strike out "two hundred" where it occurs and insert "one hundred" and strike out "fifty" where it occurs and insert "two hundred". Mr King moved for a division upon striking out, which was lost. Mr Lee offered the following amendment to come in at the end of the first section: *provided* this act shall not apply to any prosecution which is or may be instituted previous to the first day of April next, which was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act, authorising the Linden Rail Road Company to raise by Lottery a sum of money for the completion of the Linden Rail Road reported that it is inexpedient to pass it the bill was laid on the table.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act to regulate judicial proceedings, reported an amendment by striking out the 2d, 3d, 5th and 8th sections; a division of the question being called for, the question was taken first upon the 2d section, which was stricken out. The question was then taken on the 3d section, which was stricken out; the question was then taken on the 5th section, which was stricken out; the question was then taken on the 8th section, which was stricken out, and the bill was ordered to a third reading on to-morrow.

Mr Mays from the committee on the judiciary, to whom was referred a bill to be entitled an act to change the mode of collecting the tax in the county of Marion, reported that it was inexpedient to pass the same, which was concurred in.

Mr King introduced a bill to be entitled an act to authorise the commissioners court of roads and revenue for the county of Pickens to fill a vacancy and for other purposes, which was read the first time; the constitutional rule was dispensed with, was read a second time, the constitutional rule again dispensed with, was read the third time and passed the Senate.

Mr Wilson introduced a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue for the county of Fayette, to levy a special tax, which was read the first time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on to-morrow.



Mr Smith introduced a bill to be entitled an act to incorporate the importing and trading company of Alabama, which was read the first time, the constitutional rule was dispensed with, was read a second time and referred to the committee on the judiciary.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles to wit:

An act to provide for the support of paupers in the county of Bibb; an act to alter the time of holding the county court for the county of Covington, and for other purposes therein specified; joint memorial to the Congress of the United States, on the subject of Creek Indian depredations.

Mr Smith introduced a paper, entitled documents relating to the claims of Isaac Avera, for monies over paid in amount to the University of Alabama, for the rent of University lands, which was referred to the committee on propositions and grievances.

Mr Mays introduced a petition; which was referred to the committee on Indian expenditures.

Mr Mays offered the following resolution.

RESOLVED, That the committee on the Judiciary, be instructed to inquire into the expediency and practicability of more effectually suppressing the evil practice of trading with slaves, and that they be authorised to report by bill or otherwise, which was adopted.

Mr Frazier introduced a bill to be entitled an act to authorise William F. Stone and his associates to open a turnpike a road, which was read the first time, and the constitutional rule being dispensed with, was read a second time and referred to the committee on roads, bridges and ferries.

Mr Watrous moved to adjourn till to-morrow at 10 o'clock A. M. Mr Hudson called for the yeas and nays, which were yeas 15, nays 13, as follows.

Yeas Messrs Baylor Dent Hal Lee McClellan Lloyd Mays Rice Riddle Simmons Smith Terry Watrous Welborn and Will on.

Nays Messrs President Bevelaux Farrar Fleming Frazier Henderson Hudson King McVay Ross Rogers Toulmin and Ward.

*Wednesday January 2.*—The Senate met pursuant to adjournment. Mr Hudson offered the following resolution:

RESOLVED, That John Thomas be appointed by the Senate to act as Assistant Secretary in the Senate, during the indisposition of Thomas B. Childress, the present Assistant Secretary or until he shall be able to resume his duties, which was adopted.

Mr Hudson from the committee on Indian expenditures to whom was referred an engrossed bill from the house of Representatives to be entitled an act to amend in part an act to provide for the pay of certain accounts, created by the Regiments of observation, on going to and returning from Vernon, reported a substitute in lieu thereof, and asked the concurrence of the Senate; the substitute was concurred in, and the second time the constitutional dispensed with, was read the third time and passed the Senate.

Mr Dent from the committee on Indian expenditures, to whom was referred the decrees of the circuit court on matters of divorcing men from their wives, reported the same back to the Senate, that they may be referred to their appropriate committee. On motion of Mr Hudson the decrees were referred to the committee on divorce and alimony.

Mr Dent from the committee on Indian expenditures, to whom was referred the account of Mr Stone, for the purchase of a horse, reported, as the opinion of the committee, that the account should not be paid, and asked to be discharged from its further consideration, which was concurred in.

Mr Dent from the committee on Indian expenditures, to whom was referred an engrossed bill from the house of Representatives, entitled an act to compen-

state certain persons therein named, reported it back to the Senate, with a provision attached to the bill as therein shewn, and recommended its passage; the amendment concurred in, the bill was read a second time, and ordered for a third reading on to-morrow.

Mr Lee from the committee on the judiciary to whom was referred the petition of Major Davis, with sundry other papers reported that the judicial tribunals of the country will afford ample remedies for all such injuries as those of which the petitioner complains and that appropriate redress cannot be extended consistently with the constitution of the State by the Legislature, for the alleged grievances, and requested that the committee be discharged from the further consideration of the subject, which was concurred in.

Mr Rice, from the committee on privileges and elections, to whom was referred sundry resolutions instructing them to inquire into the expediency of abolishing and establishing certain election precincts therein named, reported a bill to be entitled an act to abolish and establish certain election precincts therein mentioned, which was read the first time and ordered to a second reading on to-morrow.

Mr Watrous, from the committee on the judiciary, to whom was referred a bill to be entitled an act to incorporate the Irwinton Bridge Company, reported the following amendments, to wit: In the twentieth line, after the word 'estate,' insert the words 'not exceeding in value one hundred thousand dollars' and to strike out the last section, the amendments were concurred in, and upon motion of Mr Hudson, the bill was referred to the same committee.

Mr Mays, from the committee on the judiciary to whom was referred a bill to be entitled an act to establish a milling and manufacturing company on the Coosaw river, reported that it was inexpedient to pass the same, which report was concurred in, and upon motion of Mr Simmons, the bill was referred to a select committee.

Mr Baylor from the committee on the judiciary, to whom was referred a bill to be entitled an act to amend the several laws in relation to grand jurors, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the bill, which report was concurred in.

Mr Terry offered the following resolution: *Resolved*, That the door-keeper be authorized to illuminate the Senate Chamber on Tuesday evening next, in commemoration of the glorious victory achieved by the American Army, on the 8th of January, 1815, below the city of New-Orleans. Mr Dent offered an amendment, which was rejected; 2 yeas and 25 nays.

The yeas were messrs Dent and Lee.

The nays were messrs President Baylor Devereaux Farrar Fleming Frazier Henderson Hill Hudson King Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous and Wellborn.

So the Senate rejected the proposed amendment of Mr Dent, that the expense of the illumination be defrayed by the Senators individually. The yeas and nays were called upon the adoption of the resolution, and were yeas 23, nays 5.

The yeas were messrs Baylor Dent Farrar Fleming Frazier Henderson Hill King Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward and Wellborn.

The nays were messrs President Devereaux Hudson Lea and Watrous.

The resolution was adopted.

Message from the House of Representatives by Mr Phelan. Mr President: The House of Representatives has passed bills of the following titles, viz: An act to repeal in part the charter of the turnpike road from Wetumpka to Syllacogga; an act to amend the law relating to absconding slaves; and an act to amend and

consolidate the laws in relation to county Treasurers, in which the concurrence of the Senate is respectfully desired.

The engrossed bill from the house of representatives to be entitled an act to repeal in part the charter of the turnpike road from Wetumpka to Syllacogga, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives to be entitled an act to amend the laws relating to absconding slaves, was read the first time and ordered to a second reading on to-morrow.

The engrossed bill from the house of representatives to be entitled an act to amend and consolidate the law in relation to county Treasurers, was read the first time, the constitutional rule dispensed with, the bill read the second time and referred to the committee on the judiciary.

Mr Frazier introduced a bill to be entitled an act concerning the revenue of Marshall and Jackson counties, which was read the first time, the constitutional rule dispensed with, the bill was read the second time and referred to a select committee. Mr President appointed messrs. Lloyd Frazier and Hudson, say committee.

Mr Toulmin introduced a bill to be entitled an act to amend an act, limiting the number of auctioneers in the county mobile, and for other purposes, which was read the first time and ordered to a second reading on to-morrow.

Mr Fleming introduced a bill to be entitled an act to promote the cause of education in the State of Alabama, which was read the first time, the constitutional rule dispensed with, the bill read the second time and referred to the committee on education.

The Senate then proceeded to the orders of the day.

The joint resolutions of the general assembly of the State of Alabama, were taken up, and on motion of Mr Lee, the consideration of them postponed until Monday next.

The Senate resumed the consideration of Mr Baylor's resolution of the 6th ultimo. Mr Terry offered the following amendment as a proviso at the close of the resolution "provided the debts heretofore contracted, shall not be published," the amendment was accepted. Mr Simmons moved to postpone the further consideration of the subject until the first day of March next, the yeas and nays were called for, and were yeas 8, nays 21.

The yeas were messrs. Hudson Lee Mays Rains Rogers Simmons Warrens and Wilson.

The nays were messrs. President Baylor Dent Deveaux Farrar Fleming Frazier Henderson Hill King Lee McClellan McVay Ross Rife Riddle Smith Terry Toulmin Ward Warrens and Wellborn.

The question was then on the adoption of the resolution, the yeas and nays were called for, and were yeas 21 nays 7.

The yeas were messrs. President Baylor Dent Deveaux Farrar Fleming Frazier Henderson Hill King Lee McClellan McVay Ross Rife Riddle Smith Terry Toulmin Ward Warrens and Wellborn.

The nays were messrs. Hudson Mays Ross Rogers Simmons Smith and Wilson.

So the resolution was adopted.

Engrossed bill from the House of Representatives to be entitled an act for the better protection of slaves in certain cases, was read a second time. Mr Dent moved to postpone the further consideration of it till the 1st of March, and called for the yeas and nays, which were yeas 9, nays 18.

Yeas were messrs. Dent Fleming Henderson Hudson Lloyd Rogers Smith Terry and Wilson.

The nays were messrs. President Baylor Deveaux Frazier Hill King Lee McClellan McVay Mays Ross Rife Riddle Simmons Toulmin Vard Warrens and Wellborn.

Mr Lea offered to amend by inserting after the word 'cause,' in the fourth line of the 1st section, 'to be judged of by the jury trying the offence,' which was adopted. Mr Dent offered to amend by adding a proviso, to except the

county of Tuscaloosa, from the operation of the bill which was lost, and the bill passed the Senate. *Ordered*, To be entitled as above.

The bill to be entitled an act to change the mode of distributing the laws and journals among the several counties of this State, was read a second time and referred to the committee on state printing.

The bill to be entitled an act to regulate the mode and limit the number of Bank Directors for the State Bank and its several Branches at Mobile, Montgomery, Decatur and Huntsville, and for other purposes, was taken up and laid on the table.

The bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombeckbee, Black Warrior, Conecuh and Paint Rock rivers, was read a second time. Mr Smith moved to amend by striking out 'of the interest or dividends that has or may hereafter accumulate from,' in the fifth and sixth line of the first section, which was carried. The yeas and nays were demanded upon ordering the bill to be engrossed, and were yeas 15, nays 11.

The yeas were messrs Farrar Fleming Frazier Henderson Hill King Lea Lloyd McClellan McVay Ross Riddle Smith Terry and Watrous.

The nays were messrs President Dent Devereaux Hadson Mays Rice Simmons Toulmin Ward Wellborn and Wilson.

The bill was ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend an act passed 23d December, 1837, was read the second time and laid on the table.

The engrossed bill from the House of Representatives to be entitled an act to repeal in part an act therein named, was read the second time and referred to the committee on the State Bank.

Engrossed bill from the house of representatives to be entitled an act to authorize Hazle Littlefield to erect a grist mill and saw mill on the east bank of the Coosa river, in the county of Benton, was read the second time and amended as therein shewn, and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to revise and amend the act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section 21, of township 21, of range 10, west of the meridian of Huntsville, passed 20th Dec. 1820, was read the second time, the constitutional rule being dispensed with, was read a third time and passed the Senate. *Ordered*, That it be entitled as above.

Engrossed bill from the house of representatives to be entitled an act to appoint an additional surveyor in the counties of marshall, madison and Randolph, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the house of representatives to be entitled an act to incorporate the city of Wetumpka, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of representatives to be entitled an act to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of representatives to be entitled an act to incorporate the Light Artillery Borderers was read a second time and referred to the committee on military affairs.

Engrossed bill from the house of representatives to be entitled an act to incor-

porate the town of Payneville, in the county of Sumter, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of representatives to be entitled an act to provide for building a court house and jail in the county of St. Clair, was read a second time and referred to a select committee. Mr President appointed messrs Farrar, Henderson and Hill, said committee.

Engrossed bill from the house of Representatives to be entitled an act to legalize the acts of Moses Hughes, sheriff of Cherokee county, which was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of Representatives to be entitled an act to divorce Caroline L. Neily from her husband Jubal L. Neily, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the house of Representatives to be entitled an act to divorce Eliza A. F. Anderson from her husband Edmund R. Anderson, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the house of Representatives to be entitled an act to divorce Lucretia T. Tate from her husband Griffith Tate, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of Representatives to be entitled an act to amend and revive an act to incorporate the Fairfield and Macon Rail Road Company, approved Dec. 23, 1836, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of Representatives to be entitled an act to divorce Martha Roberts her husband William Roberts, was read a second time and referred to the committee on divorce and alimony.

The bill to be entitled an act the better to regulate the operation of the Bank of the State of Alabama and its several branches, was read a second time and referred to the committee on the State Bank.

The bill to be entitled an act for the relief of A. Anderson, R. Gayle and Josiah Kirksey, was read a second time and referred to the committee on propositions and grievances.

The bill to be entitled an act amendatory of the laws in relation to escheats, was read a second time and referred to the judiciary committee.

The bill to be entitled an act to prescribe the duties of the attorney general, and for other purposes, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to repeal in part an act entitled an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several branches, approved Dec. 23, 1837, was read a second time and referred to the committee on the State Bank.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Henry Hunter, was read a third time and passed the Senate. *Ordered*, That it be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect tax, was read a third time and referred to a select committee. Mr President appointed messrs Frazier, Watrous and Fleming, said committee.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Wedowee, was read a third time and passed the Senate. *Ordered*, to be entitled as above.



Engrossed bill from the House of Representatives to be entitled an act to establish the permanent seat of justice for the county of Russell, was read a third time and passed the Senate. *Ordered*, to be entitled as above.

Engrossed bill to be entitled an act for the relief of Cynthia Finley, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to repeal in part and amend the militia laws of this State, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to raise a revenue for the county of Randolph, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to grant certain persons therein named, the privileges of citizenship in Talladega county, was read a third time, and on motion of Mr Baylor, was referred to a select committee. Mr President appointed messrs Baylor, McClellan and Mays, said committee.

Engrossed bill to be entitled an act for the relief of Harriet Pilate, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to amend an act entitled an act to incorporate the city of Montgomery, approved Dec. 23, 1837, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to repeal in part an act therein named, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax, was read a third time and passed the Senate.

The bill to be entitled an act to alter and amend an act to revise and amend the should be laws, taxes in relation to school lands, was read the second time and referred to the committee on education.

The bill to be entitled an act to declare Chokolokko creek, a public highway from Davis' to Bagby's mills, in the county of Talladega, was read a second time and referred to the committee on inland navigation and internal improvement.

The joint resolution authorizing the Governor to appoint three commissioners, whose duty it shall be, permanently to establish the boundary line between this State and the State of Georgia, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to declare Wright's creek, in the county of Covington, a public highway, and for other purposes therein named, was read a third time and passed the Senate. *Ordered* to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize the Judge of the county court and commissioners of the roads and revenue for the county of Sumter, to levy a tax for the building a court house in the town of Livingston of said county of Sumter, was read a third time and passed the Senate. *Ordered*, to be entitled as above.

Mr Mays moved to record his vote on the bill to make Wright's creek a public highway, which was lost.

Engrossed bill from the House of Representatives to be entitled an act to divorce John Youngblood from his wife Eliza Jane Youngblood, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Cassandra Kelly, was read a second time and referred to the judiciary committee.



Engrossed bill from the *House of Representatives* to be entitled an act to divorce John P. Hall from his wife Mary Hall, was read the second time and referred to the committee on divorce and alimony.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Elizabeth Dance from her husband Henry B. Dance, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the *House of Representatives* to be entitled an act to authorize Levi Williams to erect mills on the Coosa river, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the *House of Representatives* to be entitled an act, the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county, was read the second time and referred to the judiciary committee.

Engrossed bill from the *House of Representatives* to be entitled an act to authorize the election of an assessor and tax collector for the counties therein named, was read a second time and referred to a special committee. Mr President appointed messrs Hadson, Baylor and Farrar, said committee.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Sarah Green from her husband William Green, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Elizabeth Green from her husband John M. Green, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the *House of Representatives* to be entitled an act to regulate judicial proceedings, was read a third time and passed the Senate. *Ordered*, to be entitled as above.

Engrossed bill to be entitled an act amendatory of the several acts of the State of Alabama, regulating the licensing and retailing of spirituous and fermented liquors, was read the third time and passed the Senate.

Engrossed bill to be entitled an act in relation to the taxes on real estate, was read a third time and passed the Senate.

Engrossed bill from the *House of Representatives* to be entitled an act for the relief of Aerely Manning, was read the third time and passed the Senate. *Ordered*, to be entitled as above.

Engrossed bill to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue for the county of Fayette, to levy a special tax, was read the third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of William Erwin, of Perry county, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to authorize Shepard Brazleton and M. P. Johnson, to build a bridge across the Tallapoosa river, in the county of Randolph, was read a third time and passed the Senate.

Mr King moved to reconsider the vote on the passage of the engrossed bill, to be entitled an act amendatory of the several acts of the State of Alabama, regulating the licensing and retailing of spirituous and fermented liquors, which was carried, and the bill referred to a select committee. Mr President appointed messrs King, Lee and Riddle, said committee.

Upon motion of Mr Baylor, the Senate adjourned until 10 o'clock to-morrow morning.

*Thursday, Jan. 3.*—The Senate met pursuant to adjournment. Mr Dent, from the committee on indian expenditures to whom was referred the accounts of

T. W. Fleming, & Co. and W. McBeth, reported a bill to be entitled an act to compensate T. W. Fleming & Co. and W. McBeth, which was read the first time and ordered to a second reading on to-morrow.

Mr Lee, from the judiciary committee, to whom was referred a bill to be entitled an act to amend the acts now in force, relating to the taking of depositions, reported the same back to the Senate without amendment, and recommended its passage, ordered to be engrossed for a third reading on to-morrow.

Mr Lee, from the committee on the judiciary, to whom was referred an engrossed bill to be entitled an act to amend and consolidate the law in relation to county treasurers, reported the same back to the Senate with the following amendments: Fill the blank in the 4th line, 12th section, with the word 'ten,' in 5th line of 15th section, substitute the word 'treasurer' for the word 'treasury;' also, strike out the 21st section, and with the amendments recommended the passage of the bill. On motion it was referred to a select committee. Mr President appointed messrs Rice, Frazier and Lee, said committee.

Mr Watrous, from the committee on the judiciary, to whom was referred a bill to be entitled an act to regulate the alternation of the circuit Judges of this State, reported the same back to the Senate with the following amendment, strike out all after the word 'circuits,' in the 8th line of the 1st section, to the 1st proviso, and insert the following: 'the Judge of first circuit, commencing with the first and progressing regularly through the whole number, till he has presided in all the circuits of the State. The Judge of the second circuit commencing with the second and then with the first circuit. The Judge of the third circuit commencing with the third, then with the second, and so of all the Judges in regular succession, which shall continue until otherwise provided by law,' and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Mays, from the committee on the judiciary, to whom was referred a bill to be entitled an act to compensate the commissioners of revenue and roads in the county of DeKalb, reported it back to the Senate and recommended its adoption. The bill was ordered to a third reading on to-morrow.

Mr Baylor, from the committee on the judiciary, to whom was referred a bill entitled an act relating to pleadings in suits at law, reported that it is inexpedient to adopt the bill which was concurred in.

Mr Simmons, from the committee of propositions and grievances, to whom was referred the petition of Lawson Thomas, reported it inexpedient to legislate on the subject, which was concurred in.

Mr Simmons, from the committee on propositions and grievances, to whom was referred the petition of William Jordan, reported a bill and recommended its passage. The report was concurred in.

Mr Mays from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of so amending the law as to prohibit suits from being commenced against Executors and Administrators within twelve months from the probate of the will or grant of letters of administration, reported that it is inexpedient to legislate upon the subject, and asked to be discharged from its further consideration, which was concurred in.

Mr Watrous from the committee on the judiciary, to whom was referred a bill to be entitled an act to incorporate the Importing and Trading Company of Alabama, reported that it is inexpedient to pass the bill, which was concurred in.

Mr Mays from the committee on the judiciary, to whom was referred a bill entitled an act to amend an act to incorporate the City of Alabama, and Mont-

gomery Rail Road Company, reported that it is inexpedient to adopt it, which was concurred in.

Mr Rice from the committee on the judiciary, to whom was referred a resolution instructing the committee to inquire into the expediency and practicability of more effectually suppressing the evil practice of trading with slaves, reported that further legislation on that subject is inexpedient, which was concurred in.

Mr Rice from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of repealing the act giving to the Orphans Court, power to order the sale of real estate, reported that in their opinion, it was inexpedient to legislate on that subject, which was concurred in.

Mr Baylor from the committee on the judiciary, to whom was referred a resolution instructing them to enquire into the expediency of so altering the law as further to regulate the licensing of Hawkers and Pedlars, reported that it is inexpedient to legislate on the subject; which was concurred in.

Mr King from the special committee to whom was referred the bill entitled an act, amendatory of the several acts of the State of Alabama regulating the licensing and retailing of spirituous and fermented liquors with instructions to amend it, reported the following amendments, strike out the proviso at the end of the first section, and add the following proviso, "provided this act shall not apply to any prosecution now instituted" which amendments were concurred in.

Mr Wellborn from the select committee to which was referred a memorial from sundry citizens of Barbour county, praying the establishment of a Branch of the Bank of the State at Irwinton, reported a bill to be entitled an act for the establishment of a Branch of the Bank of the State of Alabama at Irwinton with a capital of            hundred thousand dollars, which was read the first time and ordered to a second on to-morrow.

Mr Dent offered the following resolution, Resolved that the Secretary of the Senate be instructed to ask leave to recall from the House of Representatives a bill entitled an act for the better protection of slaves in this State which was adopted.

Message from the House of Representatives by mr Phelan, mr President, the House has passed a bill to be entitled an act to authorise the commissioners court of roads and revenue for the county of Pickens to fill a vacancy and for other purposes, which originated in the Senate; the house has also adopted joint resolutions on the subject of illuminating the capital, on the 8th inst. in which the concurrence of the Senate is requested.

Joint resolutions from the House of Representatives to illuminate the State capital.

Mr Terry moved to adopt the resolutions, and called for the yeas and nays, which were yeas 27, nays 2.

The Yeas were messrs President Baylor Dent Devereaux Farrar Fleming Frazier Henderson Hill Hudson King McClellan Lloyd McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulum Ward Watrous Wellborn and Wilson.

The nays were messrs Lea and Rains.

So the joint resolutions were adopted.

Mr Wellborn introduced a bill to be entitled an act for the relief of the sufferers in the late Creek Indian depredations which was read the first time, the constitutional rule dispensed with, was read the second time, and referred to the judiciary committee.

Message from the House of Representatives, by Mr Garrett, Mr President the House of representatives have passed the following resolution:

**RESOLVED**, That the Clerk of this House be instructed to inform the Senate that the bill to be entitled an act for the better protection of slaves in the State of Alabama requested to be returned cannot be found amongst the papers of the House, and if said bill was transmitted to this House, to request the Senate to communicate for the information of the House, the time when it was transmitted, which was laid on the table.

Mr Terry offered the following resolution:

**RESOLVED**, That the judiciary committee be instructed to inquire into the expediency of passing a law rendering ineligible to a seat in either branch of the General Assembly of the State of Alabama, persons who may become hereafter indebted to any Bank in this State, deriving its charter from the Legislature thereof, with leave to report by bill or otherwise, which was adopted.

Mr Baylor from the judiciary committee, to which was referred the memorial of the grand jurors of the county of Talladega, reported that the several matters referred to, and prayed for in said memorial, are now in progress in sundry bills and resolutions of inquiry now before this body, and asked to be discharged from its further consideration, which was concurred in.

Mr Baylor from the judiciary committee, to which was referred an act authorising Wiley W. Madison, guardian of George W. Riley to transfer his guardianship of said Riley from the Orphans court of Jefferson county to the Orphans court of Talladega county, reported that it was inexpedient to pass the bill, which was laid on the table.

Mr Watrous called from the table a bill to be entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes; Mr McVay moved to strike out the second section of the bill, which was lost. Yeas 12, nays 16.

The yeas were Messrs President Dent Devereaux Fleming Henderson Hudson Lloyd McVay Rogers Terry Ward and Wilson.

The nays were Messrs. Baylor Farrar Frazier Hill King Lea McClellan Mays Ross Rice Rains Riddle Simmons Smith Toulmin and Watrous.

Mr Watrous offered the following amendment, "provided however at any time during the progress of said work, it shall be discovered that the sum hereby appropriated, is insufficient to accomplish the improvement contemplated by the act it shall be the duty of the commissioners to cease all further expenditures and report to the ensuing legislature" which was concurred in; Mr Simmons moved to strike out the proviso at the end of the bill which was concurred in; Mr Simmons moved to amend the bill by a proviso, which was as follows, provided however that in all cases the commissioners shall have discretionary power as to the point where they will commence operations" which was adopted. Mr Terry moved to reconsider the vote upon striking out the proviso, which was lost, the bill was then ordered to be engrossed for a third reading on tomorrow.

Mr Dent moved to reconsider the vote on the passage of the bill to be entitled an act for the better protection of slaves in certain cases, which was concurred in, Mr Dent then moved to amend the bill by way of engrossed rider, as follows, "provided that the provisions of this act shall not apply to the county of Tuscaloosa" which was lost. Mr Dent called for the yeas and nays on the passage of the bill, which were as follows, the yeas were 17, nays 10.

Those who voted in the affirmative are Messrs. President Baylor Devereaux Frazier Lea McClellan McVay Mays Ross Rice Rains Riddle Simmons Smith Toulmin Watrous and Welborn.

Those who voted in the negative are Messrs. Dent Fleming Henderson Hill Hudson King Lloyd Rogers Terry and Ward.

So the bill passed the Senate and was ordered to be entitled as above.

Mr Rogers offered the following resolution:

**RESOLVED**, That unless finally disposed of in some mode, the three per cent. fund is likely to be for many years to come, as it has been for many years past, an endless source of debating and legislating, wasteful to the time of the General Assembly and expensive to the State of Alabama.

*Resolved*, That the committee on inland navigation and internal improvement be instructed to inquire into the propriety and expediency of distributing the three per cent fund among the several counties of the State, agreeably to some just and equitable mode of distribution, and that they have leave to report by bill or otherwise, which was adopted.

Mr Dent offered the following resolution:

*Resolved*, That the committee on propositions and grievances be instructed to inquire into the most expedient and effectual mode of ridding ourselves of that portion of our population known as free persons of color, that they may be removed beyond the limits of the State, with leave to report by bill or otherwise, which was adopted.

Mr King introduced a bill to be entitled an act to require the President of the State Bank, and the Presidents of the different Branches to divide the State into Districts for the purpose of equalizing the benefits of the Banking system of the State of Alabama, which was read the first time, and the constitutional rule dispensed with, was read the second time and referred to the State Bank committee.

Mr Lea introduced a bill to be entitled an act to repeal in part an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches and legalizing the suspension of specie payments of the same and for other purposes, approved 30th June 1837, which was read the first time, the constitutional rule dispensed with, was read a second time and referred to the State Bank committee.

Mr Frazier introduced a bill to be entitled an act for the protection of the muscule shoals canal, which was read the first time, the constitutional rule dispensed with was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Toulmin offered the following resolution:

*Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of applying such an amount of the State Bonds which have been heretofore issued as may be necessary to take the stock to which the State is entitled in the Planters and Merchants Bank in the city of Mobile, and report by bill or otherwise; which was lost.

Mr Lea moved to reconsider the vote taken on the bill entitled an act to amend an act to incorporate the city of Alabama and Montgomery Rail Road company, which was lost.

Mr Lea from the judiciary committee to which was referred a bill to be entitled an act more effectually to prohibit free negroes and persons of color, from entering into and remaining in the State reported the same back to the Senate with sundry amendments as follows and recommended its passage; at the end of the first section, strike out the last four lines and add in lieu thereof "he shall be liable to indictment", and on conviction be fined, not exceeding one thousand dollars, and imprisoned not exceeding six months, one or both, at the discretion of the jury trying the offence; after the word "fifty" in the third line of the fourth section, add the word "cents" which amendments were concurred in, the bill laid on the table and fifty copies ordered to be printed.

Mr Dent presented an account which was referred to the committee on indian expenditures.

Mr Toulmin introduced a bill to be entitled an act to form the 10th judicial circuit of the State of Alabama, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to the judiciary committee.

Mr Lea from the judiciary committee, to which was referred the petition of

Augustus Spain and Jesse McLane, reported a bill to be entitled an act to authorise the sale of certain land therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr Lea reported a bill to be entitled an act to authorise guardians of minors, idiots and lunatics to receive and remove from this State, any property to which such ward may be entitled, when both guardian and ward reside out of this State, or to remove the same from one county to another in this State, which was read a second time and ordered to a third reading on to-morrow.

The Senate then proceeded to the orders of the day. The bill to be entitled an act to improve and develop the internal resources of the State of Alabama, was taken up and the motion to fill the blank in the second line was withdrawn. Mr President offered two amendments as additional sections which were adopted. Mr Smith moved to fill the blank in the second line of the first section, with "twenty" which was carried. Mr Watrous offered an amendment as an additional section, which was adopted. Mr Dent moved to postpone the further consideration of the bill until the first of March next; when on motion of Mr Mays the Senate adjourned until 10 o'clock to-morrow morning.

*Friday, January 4, 1839.*—The Senate met pursuant to adjournment. Mr Lloyd presented an account; which was referred to the committee on Indian expenditures.

Mr Toulmin presented the petition of the President and Directors of the Mobile and Cedar Point rail road; which was referred to the committee on internal improvement.

Mr Riddle presented a petition from A. K. Smith and others; which was referred to the committee on education.

Mr Hudson presented an account; which was referred to the committee on accounts and claims.

Mr Hudson presented an account; which was referred to the committee on accounts and claims.

Mr Cottrell presented a petition from the citizens of Lowndes county; which was referred to the committee on military affairs.

Mr Dent from the committee on Indian expenditures, to which was referred the claims of Captain Simmons, for services rendered as commander of a volunteer county during the late Creek disturbances, reported it inexpedient to legislate upon the subject; which was concurred in.

Mr Dent from the committee on Indian expenditures, to which was referred the account of Dr Dorick S. Ball, reported a bill in favor of the account claimed to be entitled an act to compensate Dr. Dorick S. Ball, which was read the 1st time and ordered to a second reading on to-morrow.

Mr Hudson from the committee on inland navigation and internal improvements, to which was referred a bill to be entitled an act to declare Choctaw creek a public highway from Davis to Bagly's mills, in the county of Talladega, reported the same back to the Senate without amendment, and recommended its passage. The bill was read a second time and ordered to be engrossed for third reading on to-morrow.

Mr Lea from the committee on the judiciary, to whom was referred a message from the House of Representatives with a resolution that they be instructed to inquire whether the act of the last session of the Legislature, requiring the census to be taken during the year 1833, was passed in conformity with the constitution; and whether an apportionment can be made consistently therewith at the present session, reported, that the object of the framers of our constitution in adopting the ninth section of the third article, was to carry out the doctrine in the bill of rights, that all freemen are equal—equal especially in that high privilege the right of repre-



enumeration—this is clear; the obvious design too, was to designate certain fixed periods or years, within which the population of each county should be distinctly known; and your committee can perceive that nothing more is meant (and nothing less) by the expression, “cause an enumeration to be made of all the inhabitants of the State,” &c. Your committee then, without treading over all the unimportant steps in the reasoning which bring them to the conclusion, will barely remark that the enquiries necessary to satisfy all who doubt upon the subject can be but two. 1st. Is 1835 the year, or one or one of those periods, within which our population ought to be ascertained? 2d. Is this “the first session of the Legislature held, or that can be held,” after ascertaining the population in 1835? Your committee believe, both propositions must be answered in the affirmative. It must appear obvious to every one who will search for the intention of the framers of the constitution, that the mere action of the Legislature as to taking the enumeration, or as to time, or mode, could have been and was of but little consequence, provided the proper result should take place, at the proper time, that is—the *population be known*. The time is important only where applied to the enumeration, and the establishment of the fact that there are so many hundred thousand freemen whose voices shall be heard in the Legislative councils of the State. If such be the object and essence of the section above alluded to, the committee would ask, might not a prospective act have been passed at Huntsville, in the year 1819, and in pursuance thereof an apportionment may be legitimately made at the present session? The committee understand the constitution to mean that the population ought to have been ascertained in 1828, and in (or during) every six years thereafter; so that it ought also to have been ascertained in 1832, and has been properly ascertained in (or during) 1835; the enumeration therefore *being* made previous to the session, this being in the language of the constitution, the first session held after making such enumeration and making and causing to be made, are merely different terms, conveying and designed to convey as previously shown, but one important idea. Your committee feel confidence and pleasure in responding to the call of the Senate, and declare it as their deliberate opinion that in strict conformity with the object of the constitution, the enumeration has been taken; and at the present session of the Legislature the apportionment can be made; and that the Legislature would be acting in violation of the constitution not so to do. Mr Rains moved to postpone the further consideration of the report and that it be made the special order of the day for to-morrow; which was carried.

Mr Terry from the committee upon accounts and claims, to which was referred the memorial of James Thompson of Chambers county, together with the petition of sundry citizens of said county, reported the same back to the Senate as inexpedient to be allowed out of the funds of the State treasury, it being properly a county charge. Also, that the memorialist in justice should have an allowance made out of the county treasury of Chambers county. Mr Mays called for a division of the question—the vote was taken upon the first part between the words ‘reported’ and ‘charge’ inclusive; which was carried. The vote was then taken upon the remainder of the report; which was lost.

Mr Ross from the committee on Indian improvements and inland navigation, to which was referred the memorial to the Congress of the United States on the subject of the Muscle Shoals canal, reported the same back to the Senate, and recommended its passage; the memorial was then read and passed the Senate. Ordered, to be engrossed.

Mr Rains from the committee on education, to which was referred a bill to be entitled an act to incorporate Liberty Academy, in the county of Pickens, reported the same back to the Senate and recommended its passage. The bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the committee on education, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to incorporate Liekaa Academy, reported the same back to the Senate, with the following amendment, add to the end of the second section the words “*Provided, however, that the value of the real estate owned by the said body corporate shall not exceed twenty thousand dollars;*” which was concurred in, and the bill ordered to be read a third time on to-morrow.

Mr Lea from the judiciary committee, to which was referred a bill to be entitled an act to form the tenth judicial circuit of the State of Alabama, reported the same back to the Senate, without amendment, and recommended its passage; the bill was laid on the table.

Mr Mays from the committee on the State Bank, to which was referred a bill to be entitled an act the better to secure a safe and prudent management of the State Bank and Branches thereof, reported it inexpedient to pass the bill; which was concurred in.

Mr Mays from the committee on the State bank, to which was referred a bill to be entitled an act, to repeal in part an act, entitled an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several Branches, approved, December 23d, 1837, reported it back to the Senate, and recommended its passage. The bill was ordered to be engrossed for a third reading on to-morrow.

Mr Baylor from the committee on the judiciary, to which was referred a bill to be entitled an act to prohibit unlawful banking associations, reported a substitute for the bill referred to them, and asked its substitution; which was concurred in, and the bill laid on the table, and two hundred copies ordered to be printed.

Mr Mays from the committee on the State bank, to which was referred a bill to be entitled an act for the relief of Cyrus Phillips, reported a substitute and recommended its adoption; and also requested to be discharged from the further consideration of the petition accompanying the bill; which was concurred in. Mr McVay offered the following amendment, *'And be it further enacted, That all debtors to the Bank of the State of Alabama shall be entitled to like indulgence, in like circumstances, as the person for whose benefit the foregoing act is designed to relieve'* Mr Simmons moved its amendment by striking it out and inserting the following: *'Sec. And be it further enacted, That the Bank of the State of Alabama and its several Branches shall not charge exchange on any bill drawn payable in any of the eastern cities, drawn previous to the suspension of specie payments; and in all cases where exchange has been charged, it shall be refunded to the person or persons so paying.'* Mr Terry moved to postpone the further consideration of the bill and amendments until the 4th of July next. The yeas and nays were demanded. Yeas 19, nays 10; the motion prevailed.

The yeas were messrs President Baylor Devereaux Farrar Fleming Frazier Henderson Hill Hudson McCrellan Lloyd McVay Rogers Simmons Smith Terry Ward Watrous and Wilson.

The nays were messrs Cottrell Dent King Lee Mays Ross Rice Rains Toulmin and Wellborn.

Mr Mays from the committee on the State Bank, to which was referred a bill to be entitled an act to repeal in part an act therein named, reported that it was inexpedient to adopt it; which was concurred in.

Mr Dent from the committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of prohibiting the issuance by the banks of this State, of bills of a less denomination than five dollars, after the first day of July, 1839; and of bills of a less denomination than ten dollars, after the first day of July, 1840; and of bills of a less denomination than twenty dollars, after the first day of July, 1841; reported that it is inexpedient to legislate upon the subject—the report was laid on the table.

Mr Farrar from the committee on inland navigation and internal improvements, to which was referred a resolution in relation to that part of the Governor's message upon internal improvement, reported that bills have been reported to the Senate embracing the object of the resolution; which was concurred in.

Mr Frazier from the select committee, to which was referred a bill from the House of Representatives, to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax, reported the same back to the Senate and recommended its passage. The bill passed the Senate. Ordered, that it be entitled as above.

Mr King from the committee on the State Bank, to which was referred a bill to be entitled an act to establish a branch of the State Bank on the Little Bigby river, reported the same and accompanying documents back to the Senate, with the following amendment to the bill—strike out the 'Little Bigby river,' wherever it occurs in the bill; the amendments were adopted.

Mr Terry moved to postpone the further consideration of the bill until the first Monday of March next. Mr Cottrell demanded the yeas and nays on the motion to postpone. Yeas 17, nays 10. The motion prevailed.

The yeas were messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hudson McClellan Lloyd nays Rice Terry Teaham Ward and Wilson.

The nays were messrs Hill King Lee McVay Ross Rains Simmons Smith Watrous and Wellborn.

Message from his Excellency the Governor, by Mr Gooch:

#### EXECUTIVE DEPARTMENT, TUSCALOOSA, JANUARY 4TH, 1853.

Gentlemen of the Senate and House of Representatives—I have the honor to lay before you the accompanying communication from the Mobile Rifle Company and beg leave to recommend it to your favorable consideration. I am informed that a petition will be submitted to you showing the nature of the case particularly. Independently of the fact, that this very respectable corps have already sufficiently evinced their public spirit and patriotism, by arming themselves and repairing to the standard of their country in time of need; I would respectfully recommend to the consideration of the General Assembly the propriety of arming and equipping of volunteers corps as the only efficient means of insuring unto our military system that spirit in which its usefulness and efficiency naturally depend. I beg leave therefore respectfully to recommend to you the propriety of making an appropriation sufficient to cover the expense of the arms and accoutrements of this corps, and requiring them to deliver them up to the State whenever required. I have the honor to be, your most obedient serv't,

A. P. BAGBY.

Hon. James M. Calhoun, President of the Senate.

The message and accompanying documents were, on motion of Mr Hudson, referred to the committee on military affairs.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives passed a bill for the relief of Cynthia Finley, which originated in the Senate. The House also concurs in the amendment made by the Senate to the bill to provide for the pay of certain accounts created by the regiments of observation in going to and returning from Vernon. The House has passed a bill to change the name of certain persons therein named; and have adopted a joint memorial of the General Assembly in relation to the public lands; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to change the name of certain persons therein named, was read the first time and ordered to a second reading on to-morrow.

Engrossed joint memorial of the General Assembly of the State of Alabama in relation to the public lands, which originated in the House of Representatives, was read and adopted.

Mr Hudson introduced a bill to be entitled an act to authorize the extension of the Tusculumbia, Courtland and Decatur rail road, was read the 1st time, the constitutional rule dispensed with, was read a second time, and referred to the committee on inland navigation and internal improvement.

Mr Dent introduced a bill to be entitled an act to permit justices of the

peace for the two beats which meet in the city of Tuscaloosa, to hold their offices and courts within either of the said beats, and for other purposes, was read the first time, and ordered to a second reading on to-morrow.

Mr Baylor introduced a bill to be entitled an act to prevent banks and banking companies chartered by other States, from an exercise of their power within the State of Alabama, which was read the first time. On motion of Mr Mays, the constitutional rule was dispensed with, the bill read a second time, and referred to the committee on the judiciary.

Mr Toulmin called from the table the bill to be entitled an act to establish the tenth judicial circuit of the State of Alabama and for other purposes, which was read the third time. Mr McVay demanded the yeas and nays on the passage of the bill. Yeas 20, nays 8.

The yeas were messrs President Baylor Cottrell Dent Devereaux Fleming Frazier King Lee Mays Ross Rice Rains Rogers Simmons Smith Terry Toulmin Watrous and Wellborn.

The nays were messrs Henderson Hill Hudson McClellan Lloyd McVay Ward and Wilson.

So the bill passed the Senate. Ordered, that the bill be entitled as above.

Mr Simmons offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of extending one half of the second instalment of the extended debt; and one half of the second instalment under the bond system until January, 1840; which was adopted.

Mr Devereaux introduced a bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Pike to levy and collect a county tax, which was read the first time and ordered to a second reading on to-morrow.

Mr Lea introduced joint resolutions of the General Assembly of the State of Alabama in relation to a geological survey of the State, which was read the 1st time, the constitutional rule dispensed with, was read a second time, and referred to the committee on education.

Mr Cottrell introduced a bill to be entitled an act to regulate the time of holding the courts of the sixth judicial circuit, which was read the first time, the constitutional rule dispensed with, the bill read a second time and referred to the committee on the judiciary.

The Senate then proceeded to the orders of the day. The consideration of the bill to be entitled an act to develope and improve the internal resources of the State of Alabama, was resumed. Mr Dent by consent withdrew his motion to postpone the further consideration of the bill until the 1st of March next. Mr President moved to strike out 'five' in the second section and insert 'twenty,' which was carried. Mr Lea offered the following amendment in the fourth section after the word 'Governor' insert 'who shall not be interested' as stockholders, or have any other private interest in the company; which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Engrossed joint resolutions were taken up, Mr Lea moved an amendment by way of engrossed ryder to insert the word 'unanimously' after the word '*Resolved*,' which was adopted, the resolutions read, and Mr Dent called for the yeas and nays upon their passage. Yeas 27, Nays 1.

The yeas were messrs President Baylor Cottrell Dent Devereaux Farrar Frazier Henderson Hill Hudson King Lee McClellan Lloyd Mays Ross Rice Rains Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson.

The nays were messrs McVay.

On motion of Mr Rains, the Senate then adjourned till ten o'clock to-morrow morning.

*Saturday, 5th January, 1839.*—The Senate met pursuant to adjournment. Mr McVay presented the petition of Michael Waldrope and J. W. Powers, which was referred to the committee on Indian expenditures.

mr Wellborn presented the account of George W. Thompson which was referred to the committee on Indian expenditures.

mr Rice from the special committee to which was referred an engrossed bill from the House of Representatives, to be entitled an act to amend and consolidate the law in relation to county Treasurers, reported back the same to the Senate with the following amendments, viz: to strike out the sixteenth and twenty-first sections thereof. mr Hudson moved indefinitely to postpone the further consideration of the bill, which was lost. mr Hudson called for a division of the question, to strike out; the question was then upon the striking out of the 18th section, which was stricken out; the question was then upon the striking out of the 21st section, which was stricken out. mr Hudson moved to exempt from the operations of the bill the counties of Franklin, Tuscaloosa, Green, Morgan, Lawrence and Fayette.

mr Terry moved to postpone the further consideration of the bill and amendments until the first Monday in March next, which was lost. Mr Mays moved to lay the amendments on the table which was carried. mr Hudson moved to strike out the word "other" in the second line 13th section, and insert in lieu thereof the word "there" which was carried. mr Lea moved to fill the blank created by the striking out of the 18th section, with the following.

Sec. 16. *Be it further enacted*, That the judge of the county and commissioners of roads and revenue, shall have full power at any time to investigate the affairs of the Treasurer's office and remove such Treasurer when they believe the public interest requires it, which was carried. mr Dent moved to postpone the further consideration of the bill until the 29th day of January which was lost. mr Mays moved to fill the blank in the 12th section with the word "ten" which was carried. mr Lea moved to add to the 20th section the following proviso, *Provided*, this act shall not be construed to alter or discharge any obligation or penalty incurred or entered into under previous laws passed on the same subject, which was carried. mr Cottrell offered the following amendment, as an additional section:

Sec.——. *And be it further enacted*, That if any Judge of the county courts of any county in this State, shall fail, refuse or neglect to appoint "three fit persons once in each year to examine the books and vouchers of the county Treasurers, and report the situation of the same accompanied with a statement of all claims which have been filed; and also all claims which have been paid off by said Treasurers, as they are required to do by law; each judge so failing, refusing or neglecting shall forfeit and pay the sum of three hundred dollars to be recovered at the suit of any person by an action of debt in any court of competent jurisdiction, one half to the use of the person suing for the same, and the other half to the use of the proper county," which was adopted. mr Fleming moved to postpone the further consideration of the bill until Monday next, which was lost, the bill was then ordered to a third reading on Monday next.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce John Youngblood from his wife Eliza Jane Youngblood, reported the same back to the Senate and recommended its passage, the bill was ordered to a third reading on Monday next. mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Caroline Neely from her husband Jubal L. Neely, reported the same back to the Senate and recommended its passage; the bill was ordered to a third reading on Monday next.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives, to be entitled an act to divorce John P. Hall from his wife Mary Hall reported the same back to the Senate and recommended its passage, the bill was ordered to a third reading on Monday next.

Mr Watrous from the committee on divorce and alimony, to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Eliza A. F. Anderson from her husband Edward R. Anderson, reported the same back to the Senate and recommended its passage; the bill was ordered to a third reading on Monday next.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives, to be entitled an act to divorce Martha Roberts from her husband William Roberts, reported the same back to the Senate and recommended its passage; the bill was ordered to a third reading on Monday next.

Mr Lloyd from the select committee to which was referred the bill to be entitled an act concerning the revenues of Marshall and Jackson counties, reported it back to the Senate with the following amendment: strike out all the fourth section; after the word "meaning" in the fourth line of said section, which was concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr McClellan from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles to wit: an act authorising an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox; an act prescribing the duty of the county Treasurer of Franklin county; an act to authorise the commissioners court of roads and revenue for the county of Pickens to fill a vacancy and for other purposes; an act to repeal an act to exempt certain property from levy and sale by virtue of an execution so far as regards the county of Henry, passed December 2d 1837; an act to repeal in part an act entitled an act to increase the pay of jurors in certain counties therein named, and an act for the relief of Cynthia Finley.

Mr Welborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to establish by law muster days in the first division, second brigade of Alabama Militia, reported the same back to the Senate as inexpedient and asked to be discharged from its further consideration, which was concurred in.

Mr Welborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to authorise the formation of military companies in the county of Covington, with a less number of privates than forty and for other purposes, reported it inexpedient to legislate further upon that subject, and asked to be discharged from the further consideration of the same which was concurred in.

Mr Toulmin from the select committee appointed to act with such committee on the part of the House of Representatives to inquire into the expediency of altering and amending the banking laws of the State, reported a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, which was read the first time, the constitutional rule dispensed with, was read the second time and on motion of Mr Mays laid on the table and one hundred and fifty copies ordered to be printed.

Message from the House of Representatives by Mr Garret. Mr President:



the House of Representatives has adopted a preamble and sundry resolutions in relation to the currency in which the concurrence of the Senate is respectfully requested. Engrossed joint resolution from the House of Representative were then taken up and read. Mr Lea moved to postpone the further consideration of the resolution until the first day of December next. Mr Terry called for the yeas and nays—yeas 11, nays 19; the motion was lost.

The yeas were messrs President Dent Devereaux Hudson King Lee McLellan Ross Rains Riddle and Watrous. The nays were messrs. Baylor Cottrell Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Welborn and Wilson.

Mr Terry moved to strike out the words "of a similar character," in the first resolution. On motion of Mr Mays the further consideration of the resolutions was postponed and they were made the special order of the day for Wednesday next.

Message from the House of Representatives by Mr Garrett. Mr President: The House of Representatives disagree to the first and second amendments made by the Senate, to the bill to be entitled an act to regulate judicial proceedings; and concur in the third and fourth amendments. The Senate is respectfully requested to recede. Mr Hudson moved the Senate insists upon the amendments which was carried.

Message from the House of Representatives by Mr Phelan—Mr President: the house of Representatives concur in the amendments made by the Senate to the bill entitled an act for the better protection of slaves in this State; an act for the relief of *Henry Hunter*; an act for the relief of *Aerely Manning*, which originated in the House of Representatives.

Message from the House of Representatives by Mr Phelan—Mr President: the House of Representatives has adopted the following resolution: *Resolved*. That the Senate be requested to inform the House whether or not that body has found a bill which originated in this house entitled an act for the protection of slaves in this State; which was laid on the table.

Mr Hudson offered the following resolution: *Resolved*, that the Secretary of the Senate be directed to inform the house of Representatives that the bill entitled an act for the protection of slaves in this State, has been found by the Senate, has been amended by the Senate, been sent to the House, the amendments of the Senate been concurred in by the house, of which the Senate was notified by a message from the house this morning; which was adopted.

Mr Lea offered the following resolution: *Resolved*. That the committee appointed on the part of the Senate to take into consideration the apportionment of representation, and all matters relating thereto, be and they are hereby instructed to report at as early a day as convenient, what progress they have made; and what difficulties, if any, they find in making the apportionment; which was lost.

Mr Wilson introduced a bill to be entitled an act to incorporate the Sipsey river navigation company; which was read the first time, the constitutional rule dispensed with, the bill was read a second time and referred to the committee on inland navigation and internal improvement.

Mr Ross introduced a bill to be entitled an act to incorporate the town of Prairie Bluff, in the county of Wilcox, which was read the first time, the constitutional rule dispensed with, the bill was read a second time, and referred to the committee on the judiciary.

Mr Mays introduced a bill to be entitled an act the better to regulate the issues of the Bank of the State of Alabama and the several Branches thereof, at Decatur, Huntsville, Montgomery and Mobile; which was read the first time and ordered to a second reading on to-morrow.

Mr Hudson made a motion to add another member to the committee on inland navigation and internal improvement; which was lost.

The Senate then proceeded to the orders of the day. Mr Lea's report from the judiciary committee, to which was referred a message from the House of Representatives, with a resolution that they be instructed to inquire whether the act of the last session of the legislature requiring the census to be taken during the year 1833, was passed in conformity with the constitution, and whether an apportionment can be made consistently therewith at the present session, was taken up. Upon motion of Mr Lea, the Senate adjourned till Monday morning, ten o'clock.

*Monday, January 7th, 1839.*—The Senate met pursuant to adjournment.

Mr Dent moved a call of the Senate when the following senators answered to their names:

Messrs President Dent Devereaux Farrar Fleming Henderson Hill McClellan Lloyd McVay Rice Rogers Simmons Smith Terry Ward Wellborn and Wilson.

Several other members appearing, the absentees were, on motion of Mr Dent, excused.

Mr Lloyd offered the the account of W. H. Musgrove, which was referred to the committee on Indian expenditures.

Mr McVay presented the petition of William H. Gerrard; which was referred to the committee on Indian expenditures.

Mr Wellborn offered the account of George Baker; which was referred to the committee on Indian expenditures.

Mr Hudson presented the memorial of the Tusculum, Courtland and Decatur rail road company; which was referred to the committee on inland navigation and internal improvements.

Mr Toulmin offered the account of William Magee, sheriff of Mobile county; which was referred to the committee on accounts and claims.

Mr Henderson from the committee on county boundaries, to which was referred a resolution instructing them to introduce a bill to abolish one of the new counties in the Cherokee territory, reported it inexpedient to legislate thereupon until an actual survey of the territory of the counties of Marshall, De Kalb and Cherokee; and asked to be discharged from its further consideration. Mr Hudson moved to refer the subject back to the same committee; which was lost. Mr McVay moved to refer it to the judiciary committee; which was lost. On motion of Mr Hudson, the report was laid on the table.

Mr Rains from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Lucretia T. Tate from her husband Griffith Tate, reported it back as having been improperly referred; the report was concurred in, and the bill referred to the committee on divorce and alimony.

Mr Rains from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to legalize the acts of Moses H. Hughs, as sheriff of Cherokee county, reported it unconstitutional and inexpedient; which was concurred in.

Mr Watrous from the committee on the judiciary, to which was referred the bill to be entitled an act for the relief of the sufferers by the late Creek Indian depredations, reported it inexpedient to pass the bill; which was concurred in.

Mr Cottrell from the committee on the judiciary, to whom was referred a bill to be entitled an act to regulate the time of holding the courts of the sixth judi-

dial circuit, reported the same back to the Senate without amendment, the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the committee on the judiciary, to which was referred the bill to be entitled an act to prescribe the duties of the attorney general and for other purposes, reported the same back to the Senate without amendment, and recommended its passage; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Lea, from the committee on the judiciary, to which was referred a bill to be entitled an act to prevent banks and banking companies chartered by other States, from an exercise of their powers within State of Alabama, reported the same with amendments, as follows, to wit: in the first line, caption, strike out the word 'and' and insert 'an act' in lieu thereof, add to the last section 'having competent jurisdiction thereof,' which were concurred in. The yeas and nays were desired on ordering the bill to be engrossed. Yeas 17, nays 12.

The Yeas were messrs Baylor Cottrell Dent Devereaux Farrar Fleming Henderson Hill McCallan McVay Maya Rice Rogers Terry Tomlin Ward and Wilson.

The nays were messrs President Hudson Knorr Lea Lloyd Ross Rains Riddle Simmons Smith Warren and Wellborn.

And the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned, reported it inexpedient to pass the bill; the report was not concurred in, and the bill was ordered to a third reading on to-morrow.

Mr Simmons, from the committee on propositions and grievances, to which was referred the resolution inquiring into the most expedient and effectual mode of ridding ourselves of that portion of our population known amongst us as free persons of color, reported it back to the Senate as inexpedient to legislate on such a resolution, as there is a bill before the Senate on that subject; and asked to be discharged from the further consideration of the subject; which was concurred in.

Mr Simmons, from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the relief of Isaac Avon, reported that it should not be allowed, and asked to be discharged from the further consideration of the subject; the report was laid on the table.

Mr Lea, from the committee on the judiciary, to which was referred a resolution instructing them to inquire into the expediency of passing a law rendering ineligible to a seat in either branch of the General Assembly of the State, persons who may become hereafter indebted to any Bank in this State, deriving its charter from the Legislature thereof, reported it inexpedient to legislate upon the subject; which was concurred in.

Mr Cottrell, from the committee on the judiciary, to whom was referred an engrossed bill from the house of Representatives, to be entitled an act for the relief of Cassandra Kelly, reported the same without amendment, the bill was ordered to a third reading on to-morrow.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to authorize Levi Williams to erect mills on the Coosa river, reported the same with the following amendments—strike out 'ajacent' in the fifth line of the act and insert in lieu thereof the word 'adjacent,' add in the letters 'ed' to the end of the word 'provide' in the same line, and report the same with the bill to the Senate.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to provide the advertising lands and negroes levied on by the Sheriff of Dallas county, reported that it is inexpedient to pass the same; the report was laid on the table.

Mr Cottrell, from the committee on the judiciary, to which was referred the bill to be entitled an act to incorporate the Irwinton bridge company, reported the same with the following amendments, to wit: in the twentieth line after the word 'estate' insert the words 'not exceeding in value one hundred thousand dollars,' and strike out the last section: which was concurred in, and the bill laid on the table.

Mr McMillon, from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to incorporate the town of Wedowee; an act to establish the permanent seat of justice for the county of Russell; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Sumter to levy a tax for the building of a court house in the town of Livingston, of said county of Sumter; an act to declare Wright's creek a public highway and for other purposes therein named; an act to revive and amend an act entitled an act to incorporate the lower part of the town of Tuscaloosa, on the south fraction of section twenty-one, township twenty-one, in range ten west of the meridian of Huntsville, passed December 20th, 1820; an act for the relief of Henry Hunter; an act for the better protection of slaves in certain cases; an act for the relief of Aerey Manning.

Mr Simmons, from the committee on propositions and grievances, to which was referred the bill to be entitled an act for the relief of A. A. Anderson, B. Gayle and Isaiah J. Kirksey; reported it back to the Senate; the report was laid on the table.

Mr Mays, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Gainesville, in the county of Sumter, reported it back to the Senate and recommended its adoption; which was ordered to a third reading on to morrow.

Mr Simmons, from the select committee, to which was referred the bill to establish a milling and manufacturing company on the Coosa river, reported it as inexpedient, and asked to be discharged from the further consideration of the subject, which was concurred in.

Mr Ross offered the account of David Powell; which was referred to the committee on Indian expenditures.

Message from the Governor—Mr President: His Excellency the Governor on Saturday, the 5th inst. approved and signed a bill from the Senate entitled an act authorizing an additional number of jurors to be drawn and summoned to attend the circuit and county courts for the county of Wilcox.

Message from the House of Representatives, by Mr Garrett—Mr President: The House of Representatives insists on their disagreement to the first and second amendments made by the Senate to the bill to be entitled an act to regulate judicial proceedings; engrossed bill from the House of Representatives to be entitled an act to regulate judicial proceedings, the Senate adhered to their amendments.

Mr Smith introduced a bill to be entitled an act to provide for the construction of a rail road at the expense of the State, to be styled the Alabama State and

Tennessee rail road; which was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on inland navigation and internal improvements.

Mr Ross introduced a bill to be entitled an act for the relief of David Powell, which was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on Indian expenditures.

Mr Hudson offered the following resolution: *Resolved*, That, with the concurrence of the House of Representatives, both houses of the General Assembly well adjourn *sine die*, on the 26th instant. A motion was made to lay the resolution on the table. Mr Hudson called for the yeas and nays, which were yeas 11, nays 17.

The yeas were messrs Baylor Dent Devereaux Hill McClellan Rice Riddle Simmons Smith Terry and Watrous.

The nays were messrs President Cottrell Farrar Fleming Frazier Henderson Hudson King Lee Lloyd McVay Mays Ross Rogers Ward Wellborn and Wilson.

The motion was lost. The question was then taken upon the adoption of the resolution. The yeas and nays were called for which were yeas 15, nays 14.

The yeas were messrs Cottrell Farrar Fleming Frazier Henderson Hudson King Lloyd McVay Mays Ross Rodgers Ward Wellborn and Wilson.

The nays were messrs Baylor Dent Devereaux Hill Lea McClellan Rice Rains Riddle Simmons Smith Terry Toulmin and Watrous.

And the resolution was adopted.

Mr McVay introduced a bill to be entitled an act to provide for the payment of certain claims therein specified; which was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on Indian expenditures.

Mr Rains introduced a bill to be entitled an act to make further appropriation for the improvement of the Tombecbee river; which was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on inland navigation and internal improvement.

Mr Rodgers called from the table a bill to be entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also defining the rights and liabilities thereof; which was placed among the orders of the day.

Mr Baylor called from the table a bill to be entitled an act to prohibit unlawful banking associations and for other purposes; which was placed among the orders of the day.

Mr Lea introduced a bill to be entitled an act to regulate the wages of the doorkeeper and messenger of the House of Representatives, and the doorkeeper of the Senate; which were read the first time and ordered to a second reading day to-morrow.

The Senate then proceeded to the orders of the day. The Senate resumed the consideration of Mr Lea's report. The previous question was then moved. Mr Cottrell called for the yeas and nays, which were, yeas 16, nays 13.

The yeas were messrs President Devereaux Farrar Hudson Lee McClellan McVay Ross Rains Riddle Rodgers Simmons Toulmin Ward Watrous and Wellborn.

The nays were messrs Baylor Cottrell Dent Fleming Frazier Henderson Hill King Mays Rice Smith Terry and Wilson.

So the report was concurred in.

The joint resolutions of the General Assembly of the State of Alabama were taken up; and the consideration thereof resumed. Mr Rains moved to postpone the resolutions until Wednesday next, which was lost. The question was then upon the passage of the resolutions. Mr Lea called for a division of the question. The yeas and nays were called for on the adoption of the four first resolutions, and were, yeas 29, nays none.

The yeas were messrs President Baylor Cottrell Dent Devereaux Fleming Frazier Henderson Hudson King Lee McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Fountain Ward Watrous Wellborn and Wilson.

The question was then taken on the fifth resolution—on motion of mr Rains, the Senate adjourned until to-morrow morning at ten o'clock.

*Tuesday, January 8th.*—The Senate met pursuant to adjournment.

Mr Hudson, from the select committee, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to authorize the election of an assessor and tax collector for the counties therein named, reported the same with amendments, as follows, to wit: strike out the word 'Wilson' wherever it occurs in said bill; the amendments were concurred in, the bill read the third time and passed the Senate. Ordered that it be entitled as above.

On motion of mr Wellborn, the Senate reconsidered the vote of concurrence in the report of the committee on the bill to be entitled an act for the relief of the sufferers from the late Creek Indian depredations, and referred the bill back to the judiciary committee.

Message from the Governor, by mr Gooch—mr President: His Excellency the Governor, on Monday the 7th inst. approved and signed bills of the following titles namely: an act prescribing the duties of the county treasurer of Franklin county; an act for the relief Cynthia Finley; an act to repeal in part an act entitled an act to increase the pay of jurors in certain counties therein named; an act to repeal an act exempting certain property from levy and sale by virtue of an execution, so far as regards the county of Henry, passed December 2d, 1837; an act to authorize the commissioners' court of roads and revenue for the county of Pickens to fill a vacancy and for other purposes; all of which originated in the Senate.

On motion of mr Mays, the Senate reconsider the vote of concurrence in the report of the enrolled bills from the House of Representatives, to be entitled an act to legalize the acts of Moses H. Hughes as sheriff of Cherokee county, and referred the bill back to the committee on the judiciary.

Mr Hudson introduced a bill to be entitled an act to incorporate the Tusculum Female Seminary; which was read the first time, the constitutional rule dispensed with, the bill read a second time, and referred to the committee on education.

On motion of mr Hudson, the engrossed bill from the House of Representatives, to be entitled an act the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county, was taken up from the table. On motion of mr President, the Senate disagreed to the report of the committee, and the bill was ordered to a third reading on to-morrow.

Mr Wellborn, from the committee on military affairs, to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Light Artillery Borderers, reported the same with the following amendments, to wit: In the first section and sixth line, strike out 'nine' and insert in lieu thereof 'six,' in fourth section and second line strike out 'thirty' and insert 'forty,' and strike out the fifth section, which were concurred in, and the bill ordered to a third reading on to-morrow.

Mr Lea presented the petition of the stockholders of the Cahawba river bridge company, which was referred to the committee on the judiciary.

Mr Fleming, from the select committee to which was referred the bill to be entitled an act to authorize and require the Tennessee canal commissioners to ascertain whether any thing be due to J. R. & S. S. Henry, and if so, to settle with them accordingly, reported the same with an amendment as an additional section. on motion of Mr Terry, the bill and proposed amendment were laid on the table.



Mr Wellborn presented the petition of George Barker, which was referred to the committee on indian expenditures.

Message from the House of Representatives by Mr Garrett: Mr President, the House of Representatives respectfully ask a committee of conference on the disagreement of the two Houses to the amendment made by the Senate to the bill to regulate judicial proceedings, and has appointed on the part of the House, messrs Payne, Crenshaw and Lipsecomb.

The message was concurred in, and Mr President appointed messrs Hudson Lea and Cottrell a committee on the part of the Senate.

Mr Cottrell introduced a bill to be entitled an act to revive a certain act therein named, which was read the first time, the constitutional rule was dispensed with, the bill read the second time and referred to the committee on the judiciary.

Mr McClellan, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: An act to amend in part an act entitled an act to provide for the pay of certain accounts created by the regiments of observation in going to and returning from Vernon; an act to authorize the Judge of the county court and commissioners of roads and revenue for the county of Jackson, to levy and collect a tax; joint memorial of the general assembly of the State of Alabama, in relation to the public lands.

On motion of Mr Smith, the bill to be entitled an act for the relief of Isaac Ayard, was taken from the table and referred to a select committee. Mr President appointed messrs Smith, Mays and Rice said committee.

On motion of Mr Dent, the engrossed bill from the House of Representatives to be entitled an act to amend an act passed 23d December, 1837, declaring Sipsey river a public highway, was taken from the table and ordered to a third reading on to-morrow.

Mr Watrous introduced a bill to be entitled an act regulating sales by the sheriff of the county of Shelby, which was read the first time and ordered to a second reading on to-morrow.

Mr Lea introduced a bill to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax, which was read the first time, the constitutional rule dispensed with, and the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Mays introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Tallasee bridge company, which was read the first time, the constitutional rule being dispensed with, the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Rains, the bill to be entitled an act to authorize the Linden rail road company to raise by lottery a sum of money for the completion of the Linden rail road, was taken from the table, the question recurring on concurring in the report called for. Yeas 17—Nays 13.

Those who voted in the affirmative are Messrs. President Baylor Cottrell Dent Devereaux Farrar Frazier Hudson King Lea Lloyd McVay Rice Rogers Simmons Ward and Watrous.

Those who voted in the negative are Messrs. Fleming Henderson Hill McClellan Mays Ross Rains Riddle Smith Terry Toumin Wellborn and Wilson.

Mr Fleming offered the following resolution: *Resolved*, That a bill to be entitled an act to establish a State prison and penitentiary, be submitted to the consideration of the judiciary committee, and that the committee be asked respectfully to give it their consideration and report accordingly; the resolution was laid on the table.

The Senate then proceeded to the orders of the day.

The consideration of the joint resolutions of the general assembly of the State of Alabama, on the subject of the currency, was resumed.

On motion of Mr Mays, the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, Jan. 9.*—The Senate met pursuant to adjournment. Mr Hudson presented the account of James T. Quarles, which was referred to the committee on accounts and claims.

Mr King, from the committee on inland navigation and internal improvements to which was referred a bill to be entitled an act to incorporate the Sipsey river navigation company, reported the same back to the Senate with the following amendments: First, add an additional proviso to the proviso of the 8th section, in the following words: 'and provided further, that nothing in this section, or other parts of this act, shall be so construed as to confer on said company the powers and privileges of a banking company;' second, strike out the words 'ninety-nine,' in the 16th section, and insert in lieu thereof, the word 'fifty,' third, strike out the words 'either or partially,' in the proviso of the 17th section, and add the following proviso, 'provided further, that said improvements shall commence at the mouth of said stream, and be completed sufficiently as they progress, to afford good navigation, and provided further, that this act shall not be so construed as to prevent boats from descending said stream, starting from a point higher up said river, than to the point to which the company may have rendered said stream navigable by paying a reasonable toll; fourth, add the following proviso at the end of the 18th section, 'provided that this act shall not be so construed as to authorize said company to remove any mill dam or bridge now erected across said stream, without the consent of the owner, or by the assessment of proper damages as above provided for; in all of which the concurrence of the Senate was asked, and the passage of the bill recommended, which were concurred in. Mr Dent moved the postponement of the bill until the first Monday in April next. Mr Wilson demanded the yeas and nays, which were yeas 26—nays 26.

The yeas were messrs Dent Devereaux and Rice.

The nays were messrs President Correll Farrar Fleming Frazier Henderson Hill Hudson King Lee McCallin Lloyd McVay Mays Ross Rains Riddle Rogers Simmons Smith Terry Toumin Ward Warren Weiborn and Wilson.

So the resolution was lost, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hudson, from the committee on inland navigation and internal improvements to which was referred a bill to be entitled an act to make further appropriations for the improvement of the Tombecbee river, reported it back to the Senate as inexpedient to pass it, and asked the concurrence of the Senate. The report was concurred in.

Mr Lea, from the committee on internal improvements and inland navigation to which was referred a bill to be entitled an act to authorize the extension of the Tusculum, Courtland and Decatur rail road, reported the same back to the Senate with sundry amendments as follows: First, insert after the word 'that,' in the second line of first clause, Micajah Farver, David Deshler, David L. Goodlow, Isaac H. Walker, Armstead Barton and Isaac Lane, and in the third line, transpose the word 'commissioners' so as to come in after the word 'appointed,' and before the word appointed insert 'and they are hereby;' second, strike out all of the second section from the word 'that' in the first line, to the word 'said' in the seventh line; third for the word 'shall,' where it occurs in the 7th, 8th,

12th, 22d and 28th lines of the 2d section, substitute the word 'may;' fourth, strike out all of the third section; fifth, strike out the word 'said' in the first line of the fourth section; also, strike out from the word 'subscribed,' in the same section, to the word 'line' in the eighth line, to 'the,' in the tenth; strike out the 8th and 9th sections. With these amendments the passage of the bill was recommended, and the memorial on the same subject returned with the bill. The amendments were concurred in, Mr Hudson moved further to amend the bill by adding the following proviso, 'provided nothing in this act shall be so construed as to authorize banking privileges.' Mr Terry moved to amend the amendment by adding thereto 'and do no other act than those embraced in their charter which other citizens may not do,' which was lost; the amendment was then adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Lea, from the committee on inland navigation and internal improvement, to which was referred the petition of the President and Directors of the Mobile and Cedar Point rail road company, and the accompanying documents, reported that the object of the petitioners is embraced in a bill in progress before the Senate, and that any special action on the subject of the petition, except as specified in said bill, is inexpedient at this time, which was laid on the table.

Mr Lea, from the committee on the judiciary, to which was referred so much of the Governor's message as relates to the establishment of a separate court of chancery, reported a bill and recommended its passage, the bill was read the first time and ordered to a second reading on to-morrow.

Mr Lea, from the committee on inland navigation and internal improvement, to whom was referred a resolution instructing them to inquire into the expediency of distributing the three per cent. fund among the several counties, reported that the committee deem it inexpedient to make such disposition of that fund as is contemplated in the resolution, which was concurred in.

Mr Lea offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of repealing so much of the 25th section of an act entitled an act to revive and amend the laws in relation to schools and school lands, approved Dec. 25, 1837, as requires 'the whole gross profits without any deduction for bank expenses, &c.' on payments on accounts of 16th sections, and that if they shall find said provision in said section, seriously detrimental to the Bank, they shall report by bill accordingly, which was adopted.

Mr McClellan introduced a bill to be entitled an act to authorize the administrators of the estate of Jesse Hill deceased, late of Talladega county, to make titles to certain tracts or lots of land therein named, which was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on the judiciary.

Mr Rogers introduced a bill to be entitled an act to authorize the Judge of the county court of Lawrence county, to appoint a coroner in certain cases, which was read the first time, the constitutional rule was dispensed with, was read a second time, and was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell introduced a bill to be entitled an act touching fines imposed by a brigade court martial, which was read the first time, the constitutional rule was dispensed with, was read a second time and referred to the military committee.

Mr Cottrell introduced a bill to be entitled an act to incorporate the Argus company of volunteer riflemen, which was read the first time, the constitutional rule dispensed with, read a second time and referred to the military committee.

Mr Lee offered the following resolution:

**RESOLVED**, by the Senate that with the assent of the House of Representatives, the joint examining committee shall (in addition to their instructions to examine into the condition of the debts of the Bank &c.) be and they are hereby instructed to make inquiry and report to the two Houses, what has been the general course of policy pursued by the Bank—and in relation to the conduct of any or all of its officers as well as to any other interests of the Bank, which in the opinion of the committee, may require publicity, which was adopted; the Senate then proceeded to the orders of the day.

The consideration of the joint resolutions of the General Assembly of the State of Alabama, was resumed; the question was, shall the 5th resolution pass. the yeas and nays were called for, and were yeas 20, nays 9.

The yeas were messrs. Baylor Cottrell Devereaux Farrar Frazier Henderson Hill McClellan Loyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs. President Dent Hudson King Lee Ross Rains Riddle and Watrous.

So the fifth resolution was adopted, the question was then taken on the 6th resolution, the yeas and nays were called for, and were yeas 18, nays 11.

The yeas were messrs. Baylor Cottrell Farrar Frazier Henderson Hill Loyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs. President Dent Devereaux Hudson King Lee McClellan Ross Rains Riddle and Watrous.

The 6th resolution was adopted, the question was then taken on the 7th resolution; the yeas and nays were called for and were yeas 18, nays 11.

The yeas were messrs. Baylor Cottrell Farrar Frazier Hill Loyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs. President Dent Devereaux Hudson King Lee McClellan Ross Rains Riddle and Watrous.

The 7th resolution was adopted, the question was then taken on the 8th resolution, the yeas and nays were called for, and were yeas 18, nays 11.

The yeas were messrs. Baylor Cottrell Farrar Frazier Henderson Hill Loyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs. President Dent Devereaux Hudson King Lee McClellan Ross Rains Riddle and Watrous.

The 8th resolution was adopted.

Mr. Watrous moved the following amendment.

**RESOLVED**, That all the rights named in the constitution of the State of Alabama are unalienable by the action of any other power than her own.

**RESOLVED**, That the constitution contains the expresse grant to the Legislature to establish Banks.

**RESOLVED**, That the Legislature by establishing Banks in pursuance of the constitution become bound to give the highest possible credit to the bills of the Banks so established, and that it would be bad faith to the people, if after authorising the Banks to issue bills to circulate as currency, they should do any thing, directly or indirectly, calculated to injure the credit of the currency so created.

**RESOLVED**, That the currency created pursuant to the constitution of this State, should so long as our Banks pay specie, be received in payment for public lands and other public dues.

**RESOLVED**, That whereas the Banks of this State were chartered for the benefit of the entire population, who are ultimately responsible for their liabilities, and are virtually the real holders of the stock, any action of this Legislature calculated to injure the credit of the bills of the banks, would be bad faith to the people of the State.

**RESOLVED**, That the pecuniary liabilities of the people of this State, both to the Banks and each other have been incurred with a knowledge of, and reference to the existing currency of the country; therefore any act of the Legislature in any way varying the liabilities between debtor and creditor would be improper and unjust.

**RESOLVED**, That the adoption of the Sub Treasury scheme as now proposed, would be prejudicial to the interests of the people by depressing the value of property in proportion to the decrease of the currency, by which that property is represented.

**RESOLVED**, That this Legislature deprecates the establishment of Treasury Banks as dangerous to the liberties of the people.

Mr Mays moved to postpone the amendment till the first day of March next, the yeas and nays were called for and were yeas 17, nays 12.

The yeas were messrs. President Baylor, Cottrell, Farrar, Fraser, Henderson, Hill, Loyd, McVay, Myers, Rogers, Simmons, Terry, Toulmin, Ward and Watson.  
The nays were messrs. Dent, Devereaux, Hudson, King, Lee, McClellan, Ross, Rains, Riddle, Smith, Watsons and Wellborn.

So the motion to postpone was carried.

Mr Dent offered the following resolution to come in between the 8th and 9th sections of the joint resolutions.

**RESOLVED.** That in consideration of the great and important services rendered to his country by Martin Van Buren, and his peculiar devotion to the Southern principles that we will cordially support his re-election to the Presidency of the United States.

Mr King moved to postpone the amendment till the 1st day of March next, the yeas and nays were called for and were yeas 24, nays 5.

The yeas were messrs. President Baylor, Cottrell, Dent, Devereaux, Farrar, Frazier, Henderson, Hill, Hudson, King, Lee, McClellan, McVay, Myers, Ross, Rains, Riddle, Rogers, Simmons, Ward, Watsons and Wellborn.

The nays were messrs. Loyd, Smith, Terry, Toulmin and Wellborn.

So the amendment was postponed; the question was then taken on the adoption of the 9th resolution, the yeas and nays were called for, and were yeas 17, nays 12.

The yeas were messrs. Cottrell, Farrar, Fraser, Henderson, Hill, Loyd, McVay, Myers, Rogers, Simmons, Smith, Terry, Toulmin, Ward and Watson.

The nays were messrs. President, Dent, Devereaux, Hudson, King, Lee, McClellan, Ross, Rains, Riddle, Watsons and Wellborn.

The 9th resolution was adopted. The question was then upon the adoption of the preamble to the joint resolutions; adopted. On motion of Mr Hudson the orders of the day were suspended and Mr Lee introduced the following joint resolutions of the Senate and House of Representative of the State of Alabama in General Assembly convened.

**RESOLVED.** That every effort should be made in systems of policy which have aided in promoting and successfully sustaining the prosperity, happiness and glory of the country for a just and transient course.

**RESOLVED.** 2d. That any law which should not be unfurled for the purpose of displaying virtues merely, but should be enacted at a time when all parties acknowledge the country to be periled, and placed in deep pecuniary embarrassment and distress.

**RESOLVED.** 3d. That the great object of the present Legislature can accomplish, would be to produce the circulation of a plenty of money, and that of a good quality, so that the people may be relieved from debts and embarrassments, which legislation at home and abroad, has at least in part, brought upon them.

**RESOLVED.** 4th. That when the Banks of Alabama shall resume specie payments, if their money be good enough for the people of Alabama, it will also be good enough for the balance of the world, and especially for the General Government, to which we are compelled to pay so much and our Senators and Representatives in Congress should be, and are hereby requested and instructed firmly and perpetually to resist the passage or continuance of any law or Executive instruction, which would after a resumption, prevent the reception of our money by public officers for public dues, or in payment for public lands.

**RESOLVED.** 5th. That the Sub-Treasury scheme is an experiment; one to which the people are and have been accustomed from the origin of the Government, embracing the days of Washington and Franklin up to the present time, and is an unwise, doubtful and dangerous stroke of policy.

**RESOLVED.** 6th. That any measure calculated to reduce the people of the United States to the use of a metallic circulation would be hostile to our interests as a commercial nation.

7th. *Be it further Resolved,* That Congress ought to pass no law prohibiting the reception of the notes of specie paying Banks in the several States in discharge of public dues.

8th. *Be it further Resolved,* That the public funds ought not to be intrusted to the keeping of individuals selected for that purpose by the President, who are amenable to him and who hold there offices at his pleasure.

9th. *Be it further Resolved,* That for the purpose of effecting our commercial independence and of creating such a circulation as our wants demand it is important that a Bank of large capital be established by the Southern and South-western States.

Mr Mays moved to postpone the further consideration of the resolutions until the first day of March next, the yeas and nays were called for, yeas 17, nays 12.

The yeas were messrs President Baylor Cottrell Farrar Frazier Henderson Hill Loyd McVay Mays Rice Rogers Simmons Terry Toulmin Ward and Wilson.

The nays were messrs. Dent Devereaux Hudson King Lee McClellan Ross Rains Riddle Smith Vardoes and Welborn.

On motion of Mr Hudson the vote of yesterday on a bill to authorise the Linden Rail Road company to raise by Lottery, a sufficient sum to complete the Linden Rail Road, was reconsidered and the bill laid on the table.

Message from the House of Representatives by Mr Garrett, Mr President, the House of Representatives concur in the amendment made by the Senate to their bill to authorize the election of an assessor and tax collector for the counties therein named.

Mr Baylor offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses agree to the election of a Judge of the county court for the county of Jefferson on Saturday next, at 12 o'clock, which was adopted.

On motion of Mr King; the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, January 10th, 1839.*—The Senate met pursuant to adjournment. Mr President asked leave to place the reasons on the journal of the Senate which induced him to vote against the resolutions offered by Mr Cottrell, in relation to the Bank of the United States and the fiscal condition of the General Government, which was granted and were as follows: "I fully concur in the principles avowed in each of the said resolutions, my opinions would however have been more fully declared, if the resolutions had expressed the opinion, that the introduction of specie payments by the Government should be gradual, and further that the issue of Treasury notes by the Government, was unauthorised by the constitution and of dangerous tendency. I feel assured that in voting as I did, I met the wishes and feel myself bound fairly to represent their opinions by my vote on these resolutions."

JAMES M. CALHOUN.

Mr Hudson presented an account of A. R. Thomas, which was referred to the committee on accounts and claims.

Mr McVay presented the account of Donald Campbell, which was referred to the committee on indian expenditures.

Mr McVay presented the account of John Arnett, which was referred to the committee on indian expenditures.

Mr Loyd presented a list of the Blount county volunteers together with the discharge of Philip D. Clark, which was referred to the committee on indian expenditures.

Mr President presented documents from the Comptroller's office, which were laid on the table, and fifty copies ordered to be printed.

Mr Toulmin presented the account of James Frowner, which was referred to the committee on accounts and claims.

Mr Dent from the committee on indian expenditures, to which was referred the accounts of David Powell, for provisions, hauling and boarding indian prisoners, reported that on examination, they find that two appropriations have been made at former sessions of the Legislature for the amount of twenty-three hundred and thirty-four dollars, which amount the committee are of opinion, fully compensate the claimant, discovering the charges to be extravagant and that nothing more should be allowed him, and asked to be discharged from the further consideration of the same. The committee would further suggest the pro-



priety of better securing the papers of former Legislatures, which have been suffered to lay on the table or desk in the rooms of the Clerks as accounts which have been acted upon and rejected, have been introduced a second time, and in some instances accounts have been allowed more than once, which was concurred in.

Mr Dent from the committee on indian expenditures, to which was referred a bill entitled an act to provide for the payment of certain claims therein specified, reported that the committee are of opinion that the claims therein specified are just and should be allowed, and recommended its passage without amendment, which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr McClellan from the committee on enrolled bills, have examined and find correctly enrolled, a bill to be entitled an act to authorise the election of an assessor and tax collector for the counties therein named.

Mr Rice from the committee on the judiciary, to which was referred a bill to be entitled an act to establish a jail and penitentiary in the State of Alabama, reported a substitute; the report was concurred in and the substitute adopted and the further consideration of the bill postponed until Saturday next, to be made the special order of the day.

Mr Rains from the committee on education, to which was referred the bill to incorporate the Tusculumbia Female Seminary, reported the same back without amendment, which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on the judiciary, to which was referred a bill to amend an act to incorporate the town of Irwinton, in Barbour county, reported the following amendments. In the 1st section in the 2d line, insert the words 'of the State of Alabama' between the words 'representatives' and 'in;' strike out the seven first words of the first line in the same section—in the fourth line insert the word 'hereafter' between the words 'shall' and 'be;' strike out the word 'and' in the same line, after the word 'be;' strike out the seven first words in the fifth line of the same section insert; the word 'river' after the word 'Chatahoochee' in the 7th line; insert the word 'creek' after the word 'Chewawalee' in the fourteenth line; also insert the same after the same word in the fifteenth line; 2d section, strike out all between the words 'enacted' in the first line and 'that' in the second line; 3d section strike out all between the words 'enacted' in the first line and 'that' in the second line in same section in the 5th line, insert the words 'that the same shall be collected' between the words 'except' and 'by' in the 11th line; insert the word 'all' after the word 'in' in the same line; insert the words 'between the ages of 18 and 45 years' after the word 'town' strike out all between the words 'months' in the 12th line and 'a' in the 13th line; in the 15th line insert the words 'between the ages of 16 and 50 years' after the word 'negroes;' in the 16th line strike out the words 'from 16 to 50;' in the 18th line insert the words 'years of age' after the figures '60;' strike out the 23d and 24th lines, strike out the 29th, 30th and 31st lines in the 5th section and 16th line, strike out the words 'in execution' and insert in lieu thereof, the words 'a capias ad satisfaciendum;' strike out the 6th section and insert in lieu thereof the following: '*Be it further enacted*, that the said Intendant and council shall have power to tax retailers of ardent spirits or other liquors and also all shows or public exhibitions within the corporate limits of said town;' in the second line from the bottom of the bill, strike out the letter 'h;' and in the caption between the words 'bill' and 'to' insert the words 'to be entitled an act,'

which were concurred in. On motion of mr Wellborn, the bill was referred to a select committee; mr President appointed messrs. Wellborn, McClellan and Henderson said committee.

Mr Terry, from the committee on accounts and claims to which was referred the account of Anderson Bean, sheriff of Franklin county, reported the same inexpedient to be allowed the account not being a charge against the State, which was concurred in, and on motion of mr Hudson, leave granted to withdraw the papers.

Mr Fleming asked leave to have the following explanation spread upon the journal of the Senate: Having been by accident absent on yesterday, when the vote was taken on the passage of the sub treasury resolutions, I ask leave of the Senate to say on the journals by this entry, that had I been present, I should have voted for the passage of said resolutions.

WM. FLEMING.

Which was so ordered.

Mr Wilson introduced a bill to be entitled an act to provide for the summoning of a jury to attend the county court of the county of Marion, which was read the first time, the constitutional rule dispensed with, the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Dent introduced a bill to be entitled an act to incorporate the Tuscaloosa Guards, which was read the first time, the constitutional rule dispensed with, the bill was read the second time and ordered to be engrossed for a third reading on to-morrow.

A message from the House of Representatives by mr Garrett. mr President: The House of Representatives concur in the resolution of the Senate, that the two Houses will assemble in the Representative Hall on Saturday next at 12 o'clock, for the purpose of electing a Judge of the county court of Jefferson county.

Message from the House of Representatives by mr Phelan. mr President: The House of Representatives concur in the resolution of the Senate, instructing the joint examining committee to make inquiry into, and report to the two Houses what has been the general course of policy pursued by the Bank and in relation to the conduct of any or all of its officers as well as to any other interest of the Bank, which in the opinion of the committee may require publicity.

Mr Riddle offered the following resolution: Resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, That this general assembly do disapprove of the arrangement made by the Branch of the Bank of the State of Alabama at Montgomery, with the Montgomery rail road company, as reported by the commissioners appointed by the Governor to examine the Bank of the State of Alabama and its branches, by which said Branch Bank agreed to receive the bills of credit issued by said rail road company in payment of debts due to the Bank, and pay out the same as current Bank bills, and that this general assembly regards said arrangement as an indirect loan to said company; which on motion of mr Riddle, was laid on the table.

Mr Mays introduced a bill to be entitled an act to attach a part of the county of Tallapoosa to the county of Montgomery, which was read the first time and ordered to a second reading on to-morrow.

Mr Wellborn presented the petition of Thomas S. Woodward, which was referred to the committee on indian expenditures.

Mr Wellborn presented the account of William Walker's estate, which was referred to the committee on indian expenditures.

Mr Mays, from the committee on the State Bank to which was referred the

petition of sundry citizens of the county of Jackson, praying the passage of a law granting further relief to the debtors of the Bank of the State of Alabama and the branches thereof, reports it inexpedient to legislate on the subject, which was concurred in.

The Senate then proceeded to the orders of the day.

The joint resolutions from the House of Representatives, were taken up. Mr Terry withdrew his motion (by consent) to strike out the words 'of a similar character' at the end of the first resolution, Mr Hudson moved to lay the resolution on the table. The yeas and nays were called for. Yeas 5—Nays 23.

The yeas were messrs Hudson King Lea Ross and Watrous. The nays were messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The motion was lost. Mr Cottrell moved to strike out the words 'of a similar character' at the end of the first resolution. The yeas and nays was demanded. Yeas 23—Nays 6.

The yeas were messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hill Hudson McClellan Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The motion prevailed. Mr Terry called for a division of the question on the passage of the resolutions. The question was on the passage of the first resolution. The yeas and nays were called for. Yeas 21—Nays 8.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson. The nays were messrs President Dent Hudson King Lea Ross Riddle and Watrous.

The resolution was adopted. The question was then on the passage of the second resolution: the yeas and nays were called for. Yeas 19—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson. The nays were messrs President Dent Devereaux Hudson King Lea McClellan Ross Riddle and Watrous.

The second resolution was adopted. The question was taken on the passage of the third resolution: the yeas and nays were called. Yeas 19—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson. The nays were messrs President Dent Devereaux Hudson King Lea McClellan Ross Riddle and Watrous.

The third resolution was adopted. Mr Mays offered an amendment as a substitute for the 4th resolution: a division of the question was called for. The question was then on striking out. The yeas and nays were demanded. Yeas 19—Nays 10.

The yeas were messrs President Baylor Cottrell Dent Farrar Henderson Hill Hudson Lea Lloyd McClellan McVay Mays Rice Simmons Terry Ward and Wilson. The nays were messrs Devereaux Fleming King Ross Riddle Rogers Smith Toulmin Wellborn and Wilson.

The question was then on the adoption of the following substitute of Mr Mays: 'Be it further resolved, that the firm and decided course of the President of the United States upon the subject of the finance of the government, merits and receives our entire approbation.' The yeas and nays were called for. Yeas 19—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson. The nays were messrs President Dent Devereaux Hudson King Lea McClellan Ross Riddle and Watrous.

The substitute was adopted. Mr Terry moved to amend the 5th resolution by inserting the word 'not' between the words 'ought' and 'to,' in the second line, which was carried. Mr Smith moved to amend further by striking out the word 'placed,' and insert the word 'applied' in the last line of the same resolution, which was carried. The question was then upon the passage of the resolution as amended. The yeas and nays were, yeas 29—nays none.

The yeas were messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle, Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson.

The resolution was unanimously adopted. The question was then on the pas-

sage of the 6th resolution. The yeas and nays were called for. Yeas 21—Nays 9.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hill McClellan Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs President Dent Hudson King Lea Ross Rains Riddle and Watrous.

The 6th resolution was adopted. The question was then on the adoption of the 7th resolution. The yeas and nays were called for. Yeas 21—Nays 9.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hill McClellan Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs President Dent Hudson King Lea Ross Rains Riddle and Watrous.

The 7th resolution was adopted.

Mr Lea moved to amend the 8th resolution by inserting the words 'and free' after the word 'direct' in the first line thereof; which was carried. The question was then on the adoption of the 8th resolution, as amended. The yeas and nays were called for—yeas 20, nays 0.

The yeas were messrs. President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Hudson King Lea McClellan Lloyd McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson.

The resolution was unanimously adopted.

The question was then on the adoption of the 9th resolution. The yeas and nays were called for—yeas 18, nays 12.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Hill Lloyd McVay Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs President Dent Devereaux Hudson King Lee McClellan Mays Ross Rains Riddle and Watrous.

The resolution was adopted.

The question was then on the adoption of the 10th resolution. The yeas and nays were called for—yeas 20, nays 10.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hill Lloyd McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs President Dent Hudson King Lee McClellan Ross Rains Riddle and Watrous.

The 10th resolution was adopted.

The question was then on the adoption of the preamble. The yeas and nays were called for—yeas 20, nays 10.

The yeas were messrs Baylor Cottrell Fleming Farrar Frazier Henderson Hill Lloyd McClellan McVay Mays Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The nays were messrs President Dent Devereaux Hudson King Lee Ross Rains Riddle and Watrous.

The preamble was adopted, and the resolutions passed the Senate.

Engrossed bill to be entitled an act to incorporate the Wetumpka insurance and trust company of the State of Alabama, was read the third time. Mr Dent called for the yeas and nays on the passage of the bill—yeas 10, nays 20.

The yeas were messrs Lee Mays Ross Rains Simmons Smith Toulmin Watrous Wellborn and Wilson.

The nays were messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Hudson King Lloyd McClellan McVay Rice Riddle Rogers Terry and Ward.

The bill was lost.

Engrossed bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombigbee, Black Warrior, Conecuh, and Paint Rock rivers. Mr Cottrell moved to postpone the further consideration of the bill till the first monday in march. The yeas and nays were called for—yeas 11, nays 19.

The yeas were messrs President Cottrell Devereaux Mays Rice Rogers Simmons Toulmin Ward Wellborn and Wilson.

The nays were messrs Baylor Dent Farrar Fleming Frazier Henderson Hill Hudson King Lee Lloyd McClellan McVay Ross Rains Riddle Smith Terry and Watrous.

The motion was lost. Mr Terry moved to postpone the further consideration of the bill until monday week. Mr Terry called for the yeas and nays—the yeas were 13, nays 18.

Those who voted in the affirmative were messrs Baylor, Cottrell Devereaux Lloyd Mays Rice Rogers Simmons Terry Toulmin Ward and Wellborn.

On motion of Mr Watrous, the bill was then referred to a special committee—Mr President appointed messrs Smith, Watrous, Cottrell, Terry, Frazier, Henderson, King, Mays, McClellan, said committee.

Engrossed bill to be entitled an act to authorize the judge of the county court and the commissioners of roads and revenues for Morgan county to levy a tax for the purpose therein named, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to incorporate the town of Mooresville, in the county of Limestone, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to appoint an additional surveyor in the counties of Marshall, Madison and Randolph, was read the third time and passed the Senate. Ordered, to be entitled as above.

The bill to be entitled an act to amend an act limiting the number of auctioneers in the county of Mobile and for other purposes, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to authorize Hazel Littlefield to erect a grist mill and saw mill on the east bank of the Coosa river, in the county of Benton, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the laws relating to absconding slaves, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part the charter of the turnpike road from Wetumpka to Syllacogga, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to abolish and establish certain election precincts therein named, was read a second time and referred to the committee on privileges and elections.

Engrossed bill from the House of Representatives to be entitled an act to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth Watson, Samuel Feagan, the representatives of Lewis Pugh and Mary Harvey, for provisions furnished General Moore's brigade, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed joint resolution—mr Wellborn moved to adopt the following resolution by way of engrossed rider: *'And be it further resolved, That if the commissioners aforesaid shall determine that the line heretofore run and marked out by the authority of Georgia, be not the proper line according to the true intent and meaning of the articles of cession and agreement, entered into between the United States and the State of Georgia, in 1802, they shall report that fact to the Governor of this State without delay, and it shall thereupon be the duty of the Governor forthwith to cause the Attorney General to file a bill in the Supreme Court of the United States, for the final settlement of said boundary line.'* mr President moved to strike out all after the words 'without delay,' which was carried. The amendment was then adopted, and the resolutions read the third time and passed the Senate.

On motion of mr Mays the Senate adjourned until to-morrow morning at ten o'clock.

*Friday, January 11th.*—The Senate met pursuant to adjournment. On motion of mr Watrous leave of absence was granted to mr Hill, senator from Bibb county, until Monday next.

Mr Ward presented the petition of William Wright and others, which was referred to the committee on county boundaries.

Mr Frazier presented the petition of Samuel Hill and others, which was referred to a special committee. Mr President appointed messrs. Lloyd, Frazier and Terry, such committee.

Mr Dent, from the military committee, to which was referred a bill to be entitled an act touching fines imposed by brigade courts martial, reported a substitute for the original bill, and recommended its passage; the bill was read the first time, the constitutional rule dispensed with, was read a second time, and referred back to the military committee.

Mr Dent, from the committee on Indian expenditures, to which was referred the claims of John Arnett and Donald Campbell, for horses purchased by W. W. Garrard, brigadier general, by orders of his Excellency, the Governor, reported that the claims have been allowed and included in a bill making compensation for all horses purchased by said General Garrard; and asked to be discharged from the further consideration of the same. The report was concurred in. Mr Frazier asked leave to withdraw the accounts, which was granted.

Mr Watrous, from the committee on the judiciary, to which was referred so much of the Governor's message as relates to our criminal code and administration of the criminal law, and in connection therewith the establishment of a penitentiary, reported that the objects sought to be attained by said resolutions so far as it is expedient to legislate upon the subject at this time, are embraced in a bill now before the Senate, and asked to be discharged from the further consideration of the subject; which was concurred in.

Mr Cottrell introduced a bill to be entitled an act to apportion the representatives among the several counties of this State, and to divide the State into senatorial districts, according to the late census; which was read the first time and ordered to a second reading on to-morrow.

Mr Watrous, from the committee on the judiciary, to which was referred a resolution instructing them to inquire into the expediency of establishing a penitentiary and state prison, reported that the object sought to be attained by said resolution, is embraced in a bill now before the Senate; and asked to be discharged from the further consideration of the subject; which was concurred in.

Mr Cottrell, from the committee on the judiciary, to which was referred a bill to be entitled an act to revive a certain act therein named, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr McClellan introduced a bill to be entitled, an act to reduce the number of bank directors; which was read the first time, the constitutional rule dispensed with, was read the second time. Mr McVay moved to strike out 'six' and insert 'four'—Mr Dent moved to strike out 'six' and insert 'twelve.' Mr Hudson moved for a division of the question, and the Senate refused to strike out. Mr Lea moved to refer the bill to the committee on the State Bank; which was lost. Mr McClellan moved to suspend the constitutional rule, and the bill be read the third time; which was carried. Mr Lea called for the yeas and nays upon the passage of the bill. The yeas 25, nays 3.

The yeas were messrs President Cottrell Devereaux Farrar Fleming Henderson Hudson King Lloyd McClellan McVay Nays Ross Rice Rains Riddle Rogers Simmons Smith Terry Benjamin Ward Watrous Wellborn and Wilson.

The nays were messrs Dent Frazier and Lea.

Ordered, to be entitled as above.

Mr Wellborn, from the committee on Indian affairs, to which was referred the petitions of sundry citizens of Lowndes county, praying the incorporation



of a volunteer rifle company, reported a bill, which was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to incorporate the Fairfield and Macon rail road company, approved December 23d, 1838, reported the same with the following amendments, to the caption, to wit: insert the words 'entitled an act' before the word 'to' in the second line; which were concurred in, and the bill ordered to a third reading on to-morrow.

Mr Ward introduced a bill to be entitled an act to attach a part of the county of Dele to the county of Henry, which was read the first time, and the constitutional rule was dispensed with, was read a second time, and referred to the committee on county boundaries.

Mr Watrous offered the following resolution: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the house of Joseph Acker, in the county of Shelby.

On motion of mr Riddle, the Senate took from the table joint resolutions in reference to the loan of the Montgomery Branch Bank to the Montgomery rail road company. mr Riddle offered the following amendment, as an additional resolution: *Resolved further*, that this General Assembly do disapprove of any loan made, either directly, or indirectly, by the State bank and branch banks, to any company or corporate body, for a larger amount than that authorized by the charters of said banks, as not properly coming within the scope of their legitimate business, and in violation of their charter. mr Mays moved to refer the resolution and amendment to the committee on the State bank; which was lost. mr Cottrell moved to refer the resolutions to a select committee and that the committee inquire into and report upon the conduct of all the banks of the State in references to the same purposes and that they report as soon as practicable; which was carried; and mr President appointed messrs Cottrell, Riddle and Baylor, said committee.

On motion of mr Hudson, the Senate reconsidered their vote of yesterday on the bill to be entitled an act to incorporate the Wetumpka insurance and trust company of the State of Alabama, and the bill passed the Senate. Ordered, that it be entitled as above.

Mr Cottrell, from the committee on the judiciary, to which was referred the bill to be entitled an act to amend an act limiting the number of auctioneers in the county of Mobile and for other purposes, reported it back to the Senate, and recommended its passage. The bill was then ordered to be engrossed for a third reading on to-morrow.

*Message from the Governor, by mr Gooch:*

EXECUTIVE DEPARTMENT, Tuscaloosa, January 11th, 1839.

To the Hon. James M. Calhoun, President of the Senate—Sir, I herewith have the honor to lay before the Senate the annual report of the Trustees of the University of Alabama, with the accompanying documents, marked E.

A. P. BAGBY.

Which was referred with the accompanying documents to the committee on education.

Mr Frazier offered the following resolution:

*Resolved*, That, with the concurrence of the House of Representatives, the two Houses of the General Assembly, will assemble in the hall of the House, on Saturday the 12th instant, at 12 o'clock, noon, for the purpose of electing a board of five Tennessee Canal Commissioners; which was adopted.

Mr. Lee introduced a Joint Resolution providing for the printing of the an-

nual report of the Justices of the University of Alabama, and the accompanying documents which was read the first time, the constitutional rule dispensed with, the resolution read the second time and referred to the committee on education.

Mr Mays offered the following resolution :—*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of requiring auctioneers to give bond and security for the faithful performance of their duty, and for the payment of all sums of money, that may come into their hands, and that they report by bill or otherwise.

The Senate then proceeded to the orders of the day.—

Engrossed bill to be entitled an act to amend an act, entitled an act to establish a Board of Commissioners for the improvement of the navigation of the Coosa River and for other purposes : was read the third time. Mr King moved to refer it to a special committee, Mr Smith called for the yeas and nays. Yeas 11, nays 18.

The yeas were messrs Dent Frasier Henderson King Lea Rains Reddle Rogers Smith Ward and wellborn. The nays were messrs President Baylor Cottrell Devereaux Farrar Fleming Hudson Lloyd McClellan McVay Mays Ross Rice Simmons Terry Toulmin Watrous and Wilson. Motion lost.

The yeas and nays were then called on the passage of the bill. Yeas 16, nays 13.

The Yeas were messrs Baylor Cottrell Farrar Hudson Lea Lloyd McClellan Mays Ross Rice Rains Simmons Smith Terry Toulmin and Watrous.

The nays were messrs President Dent Devereaux Fleming Fraiser Henderson King McVay Riddle Rogers Ward Wellborn and Wilson.

The bill passed the Senate ordered that it be entitled as above.

Engrossed bill to be entitled an act to authorize Guardians of Minors, Idiots, and Lunatics, to receive and remove from this State, any property to which said Ward may be entitled, when both Guardian and Ward reside out of the State, or to remove the same from one county to another in this State, &c. was read the third time and passed the Senate : ordered to be entitled as above.

The bill to be entitled an act for the establishment of a Branch of the Bank of the State of Alabama, at Irwinton, with a capital of ——— hundred thousand dollars, was read the second time : Mr Rice moved to postpone the further consideration of the bill until the 4th of July next : which was lost : and on motion of Mr Hudson the bill was referred to the committee on the State Bank.

The bill to be entitled an act for the relief of William Jourdan of Washington county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to compensate the Commissioner of Revenue and Roads in the county of De Kalb was read the third time and passed the Senate ordered that it be entitled as above.

The bill to be entitled an act to compensate T. W. Fleming & Company and W. McBeth, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to authorize the sale of certain land therein named, was read the second time, and on motion of Mr Baylor, the further consideration of it, was postponed indefinitely.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Lieka Academy, was read the third time and passed the Senate. Ordered that it be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of certain persons therein named, was read the second time ;

mr Frasier offered the following amendment "*And be it further enacted, That the name of Thomas Johnson of the county of Jackson, be and the same is hereby changed to Thomas Evans,*" on motion of mr Hudson, the bill and amendment were referred to the committee on the judiciary.

Engrossed bill to be entitled an act to develop and improve the internal resources of the State of Alabama, was read the third time; on motion of mr President the blank in the last section was filled with "three." The yeas and nays were called on the passage of the bill. Yeas 19, nays 9.

The yeas were messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hudson King Lea Lloyd Mays Ross Smith Terry Toulman Watrous and Wilson.

The nays were messrs Dent McClellan McVay Rice Riddle Rogers Simmons Ward and Wellborn.

The bill passed the Senate: ordered to be entitled as above.

On motion of mr. Wellborn, the orders of the day were suspended, to enable him to introduce joint resolutions in relation to the distribution of the decisions of the Supreme Court, which were read the first time, the constitutional rule being dispensed with, read the second time, and ordered to be engrossed for a third reading on to-morrow.

The consideration of the orders of the day was resumed, and the bill to be entitled an act to compensate Dr. Doric S. Ball, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to authorize the Judge and Commissioners of Roads and Revenue of the county of Pike, to levy and collect a county tax, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to permit Justices of the Peace for the two Beats which meet in the city of Tuscaloosa to hold their offices in either of the said Beats, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act to declare the Chockolocco Creek a public highway from Davis' to Bagby's mills, in the county of Talladega, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act for the protection of the Muscle Shoals canal, which was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to amend the acts now in force, relating to the taking of Depositions, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to regulate the alternation of the Judges of this State, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to repeal in part, an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several Branches, approved December 23rd, 1837, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate Liberty Academy, in the county of Pickens, was read the third time and passed the Senate: ordered to be entitled as above:

Engrossed joint memorial, requesting Congress to cede to the State of Alabama the Muscle Shoals' canal, was read the third time and passed the Senate.

Engrossed bill from the House of Representatives, to be entitled an act to divorce John Youngblood from his wife Eliza Jane Youngblood, was read the

third time. mr Dent called for the yeas and nays on the passage of the bill.  
Yeas 23, nays 5.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson King Lea Lloyd McClellan McVay Mays Ross Rice Rogers Simmons Smith Toulmin Ward Watrous and Wellborn.—The nays were messrs President Dent Hudson Terry and Wilson.

The bill passed the Senate, and was ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Caroline L. Neily, from her husband Jubal L. Neily, was read the third time. mr Dent called for the yeas and nays on the passage of the bill.  
Yeas 24, nays 4.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous and Wellborn.

The nays were messrs President Dent Hudson and Wilson.

The bill passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to divorce James P. Hall from his wife, Mary Hall, was read the third time. mr. Dent called for the yeas and nays on the passage of the bill. Yeas 23, nays 5.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Toulmin Ward Watrous and Wellborn.—The nays were messrs President Dent Hudson Terry and Wilson.

The bill passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to amend and consolidate the laws in relation to county Treasurers was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the house of Representatives, to be entitled an act to divorce Eliza A. T. Anderson from her husband Edmund R. Anderson, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the house of Representatives, to be entitled an act to divorce Martha Roberts from her husband Wm. Roberts, was read the third time and passed the Senate : ordered to be entitled as above.

The bill to be entitled an act the better to regulate the issues of the Bank of the State of Alabama and the several Branches thereof, at Decatur, Huntsville, Montgomery, and Mobile, was read the second time.

On motion of mr Mays the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, 12th January, 1839.*—The Senate met pursuant to adjournment. mr Hudson from the committee on Judicial Expenditures, to which was referred a bill to be entitled an act to provide for the payment of Capt. Joseph T. Cook's company, reported the same back to the Senate without amendment, and recommended its passage : the bill was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr. Cottrell from the committee on the Judiciary to which was referred the bill to be entitled an act to incorporate the city of Wetumpka, reported the following amendments,—section 4. strike out the word "January" in the 8th line of the 4th section, and insert in lieu thereof, "February ;" strike out the word "remain" in the 20th line of the same section, and insert in lieu thereof, the word "remove :"—sec. 7. in the 18th line of the 7th section, strike out the words, "to rent or lease the same or any part thereof ;" strike out all from the word "house" in the 23rd line of the 7th section, to the word "teller" in the 25th line including the latter word : in the 38th line of the same section strike out "one hundred" and insert "fifty ;" in the same section strike out all after the word "exceeding:" in the 40th line to the word "dollars" in the 41st line, and insert "fifty ;" in sect. 8. strike out all between the words

"sold" and "at" in the 21st line : in the 12th section, strike out all after the word "liabilities" in the 8th line to the word "and" in the 11th line : in the 13th section, strike out the words "except in the city court" in the 11th line ; strike out the 15th section : strike out the 16th section, the 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, and 31st sections. The report and bill were laid on the table.

Mr. Farrar from the select committee to which was referred the petition of John Lowery, reported a bill : Mr Mays moved the indefinite postponement of the bill. The yeas and nays were called for. Yeas 20, nays 8.

The yeas were messrs President Dent Devereaux Fleming Henderson Hudson King Lea Lloyd Mays Mess Rice Riddle Simmons Smith Toulmin Ward and Watrous. — The nays were messrs Baylor Farrar McClellan McVay Rains Rogers Wellborn and Wilson.

Mr. Henderson consideration of the bill was indefinitely postponed.

So the further from the committee on county boundaries to which was referred a bill to be entitled an act to attach a part of the county of Dale to the county of Henry, reported it back to the Senate without amendment, and recommended its passage. The bill was ordered to be engrossed for a third reading on Monday next.

Mr. Rains from the committee on the Judiciary, to which was referred the bill to incorporate the town of Prairie Bluff, in the county of Wilcox, reported the bill back to the Senate without amendment. The bill was ordered to be engrossed for a third reading on Monday next.

Mr. McVay from the committee on the State of the Union, to which was referred certain resolutions of the Legislature of Arkansas, in relation to the public domain, reported that it is now unnecessary to express any opinion on the subject, and asked to be discharged from the further consideration of the subject : which was concurred in.

Mr. McVay from the committee on the State of the Union, to which was referred the resolutions of the General Assembly of Mississippi in relation to the extension of the Franking privilege ; also, resolutions of the State of Maine on the same subject, reported that it is not necessary to have further legislative action on the subject, and asked to be discharged from the further consideration of the same, which was concurred in.

Mr. King from the committee to which was referred a bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Tallapoosa, Tombigbee, Black Warrior, Conecuh, and Point Rock rivers, reported the same back to the Senate with the following amendments : 1st, strike out in the first part of the 3rd section, the following words "interest or dividend that have, or that may hereafter be accumulated from the" which was concurred in : 2nd, strike out the word "twenty" where it occurs in the 3rd section, and insert the word "thirty" in lieu thereof : which was concurred in : 3rd, strike out the word "seven" where it first occurs in the 3rd section, and insert in lieu thereof, the word "ten" which was concurred in : 4th, strike out the proviso at the end of the 6th section, which was lost : 5th, and add the following additional section — "sec. 8. *And be it further enacted,* That there shall be an eighth board of Internal Improvement Commissioners, to be styled the Elk River Board of Internal Improvement Commissioners, for improving the navigation of Elk River, from its junction with the Tennessee River, to the line of the State of Tennessee, to be elected by the legislature, as the other Boards are contained in this act and to hold their offices for the same length of time, to consist of the same number as the other Boards, and to receive the same pay for their services, and that in addition to the sums already appropriated, the further sum of eight thou-

sand dollars is hereby appropriated out of the three per cent fund, and set apart and put under the control of the eighth Board of Internal Improvement Commissioners, to be by them applied for the improvement of the navigation of Elk River in the same manner and form as required of the other Boards to their respective rivers, subject to all the limitations and requirements contained in the foregoing section, and the same powers, duties, restrictions, and requirements that extend to, and are obligatory on the other Boards of Internal Improvement created by this act, shall be binding and obligatory on the eighth Board created in this section." Which was concurred in. Mr Frazier offered the following amendment. "*And be it further enacted*, That in addition to the sum herein before appropriated, two thousand dollars shall be added to the appropriation for the Paint Rock River, to be placed under the control of the 7th Board of Commissioners." Which was concurred in. Mr King moved to fill the first blank in the bill, "ninety thousand dollars" also, to fill the second blank with "three" and the third blank with "ninety thousand dollars." Mr Cottrell offered an amendment by way of engrossed ryder: Mr King called for the previous question. The yeas and nays were called for Yeas 17, nays 12

The yeas were messrs Baylor Dent Devereaux Farrar Fleming Frazier Henderson King Lee McClellan Mays Rains Riddle Smith Terry Toulmin and Watrous.  
The nays were messrs. President Cottrell Hudson Loyd McVay Ross Rice Rogers Simmons Ward Wellborn and Wilson.

The yeas and nays were called for on the passage of the bill. Yeas 17— Nays 12.

The yeas were messrs. Baylor Dent Farrar Fleming Frasier Henderson King Lee McClellan McVay Ross Rains Riddle Smith Terry Toulmin and Watrous.

The nays were messrs President Cottrell Devereaux Hudson Loyd Mays Rice Rogers Simmons Ward Wellborn and Wilson.

The bill passed the Senate. Ordered that its caption be amended by inserting 'Elk' before 'and Paint Rock'

Mr McVay, from the committee on the State of the Union, to which was referred the joint resolutions of the general assembly of the commonwealth of Kentucky in relation to the currency and the administration of the general government, reported a preamble and joint resolutions, and recommended their adoption. On motion of Mr Lee, the joint resolutions were laid on the table for the present.

Message from the house of Representatives by Mr Garrett. Mr President: The house of Representatives concur in the resolution of the Senate, that the two houses on Saturday, 12th January (this day) at 12 o'clock, noon assemble in the representative hall for the purpose of electing five Tennessee Canal Commissioners.

Message from the house of Representatives by Mr Garrett. Mr President: I am directed by the house of Representatives to invite the Senate into the hall of house of Representatives for the purpose of going into the election of a Judge of the county court of Jefferson county, and five members of the Board of Tennessee Canal Commissioners; whereupon the Senate repaired to the hall of the house of representatives, were seated, and Mr President announced the object of the meeting.

The two houses then proceeded to the election of a judge of the county court of Jefferson county. William S. Ernest and John F. Forrest being in nomination.

Those who voted for Mr Ernest are messrs Baylor Cottrell Devereaux Farrar Frazier Henderson Hudson Mays Ross Rains Rogers Smith Terry Toulmin Wellborn and Wilson of the Senate. messrs. Basingame Carmack Clifton of D. Crawford Creagh Douglass Esselman Garner Golding Hammond Henderson Hogg Jones of C. McCladahan of S. Mills Morris Morrow Peters Phillips Philpot Searcy Shields Shortridge Taylor of F. and Warren. 42.



Those who voted for Mr Forest are messrs President Dent Fleming King Lee Lloyd McClellan McVay Rice, Riddle Simmons Ward and Watrous of the Senate. messrs. Speaker Address Baker Bates Bolling Booth Boston Burke Clifton of C. Cook of L. Crayton Crenshaw Earle Ellis Finley Godbold Hall Hampton Hancock Harrison Hollis Holly Jones of B Jones of P. Kennedy Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight McMillion Mitchell Moore of mad. Moore of mar. Murphey Neily Payne Priest Rogan Rutherford Simmons Smith of D. Smith of M. Taylor of m. Vining Weissinger Williams of J. Williams of T. Wilson Withers Wynn Wright and Young. 72.

Mr Forest having received a majority of the whole number of votes given, was declared duly elected Judge of the county court of Jefferson county.

The two Houses then proceeded to the election of five Tennessee canal commissioners. Thomas Fearn James J. Donagan, Isaac Lane, James Irwin and James Weekly, being in nomination.

Those who voted for Mr. Fearn, are messrs President Baylor Cottrell Devereaux Farrar Fleming Frazier Henderson Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate. messrs. Speaker Address Baker Blassingame Bolling Booth Boston Bake Carnack Clifton of C. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Holly Jones of B. Kennedy Lipscomb Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of S. McConnell McKnight McMillion Mills Mitchell Morrow Moore of mad. Moore of mar. Murphey Neily Payne Peters Phillips Philpot Priest Rogan Rutherford Searcy Shields Shortridge Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Walker Warren Weissinger Williams of J. Wilson Withers Wright Wynn and Young.

Those who voted for Mr Donegan are the same as those who voted for Mr Fearn 104 votes.

Those who voted for Mr Lane are the same those who voted for Mr Donegan.

Those who voted for Mr Irwin are the same as those who voted for Mr Lane.

Those who voted for Mr Weekly are the same as those who voted for Mr Irwin.

Messrs. Thomas Fearn, James J. Donegan, Isaac Lane, James Irwin and James H. Weekly, having received a majority of the whole number of votes given, were declared duly elected Tennessee canal commissioners.

The Senate then retired to the Senate Chamber, Mr President resumed his seat, and the report on the Kentucky resolutions was taken up from the table. Mr Baylor moved to strike out 'imputable' and insert 'attributable,' which was carried. The yeas and nays were called for on the adoption of the first resolution. Yeas 15—Nays 9.

The yeas were messrs. Baylor Cottrell Fleming Frazier Henderson Loyd McVay Rice Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs. President Devereaux Hudson King Lee McClellan Ross Riddle and Watrous.

The first resolution was adopted. The question was then taken on the second and third resolutions jointly. The yeas and nays were called for. Yeas 16—Nays 8.

The yeas were messrs. Baylor Cottrell Devereaux Fleming Frazier Henderson Loyd McVay Rice Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs. President Hudson King Lee McClellan Ross Riddle and Watrous.

The second and third resolutions were adopted. The question was then on the adoption of the fourth resolution. They yeas and nays were called for. Yeas 15—Nays 9.

The yeas were messrs Baylor Cottrell Fleming Frazier Henderson Loyd McVay Rice Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs President Devereaux Hudson King Lee McClellan Ross Riddle and Watrous.

The fourth resolution was adopted. The question was then on the adoption of the 5th resolution. The yeas and nays were called for. Yeas 16—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Loyd McVay Rice Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs President Dent Devereaux Hudson King Lee McClellan Ross Riddle and Watrous.

The 5th resolution was adopted. The question was then on the adoption of the 6th resolution. The yeas and nays were called for. Yeas 16—Nays 10.

The yeas were messrs Baylor Dent Farrar Fleming Frazier Henderson Lloyd McClellan McVay Rice Rogers Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs President Cottrell Devereaux Hudson King Lee Ross Riddle Simmons and Watrous.

The 6th resolution was adopted. The question was then upon the adoption of the 7th resolution. The yeas and nays were called for. Yeas 16—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson Lloyd McVay Rice-Rodgers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs President Dent Devereaux Hudson King Lee McClellan Ross Riddle and Watrous.

The 7th resolution was adopted. The question was then taken upon the adoption of the preamble to the joint resolutions. The yeas and nays were called for. Yeas 16—Nays 10.

The yeas were messrs Baylor Cottrell Farrar Fleming Frazier Henderson King Lloyd McVay Rice-Rodgers Simmons Smith Terry Toulmin Wellborn and Wilson.

The nays were messrs President Dent Devereaux Hill Hudson Lea McClellan Ross Riddle and Watrous.

The preamble was adopted. Mr Baylor moved a reconsideration of the vote upon the preamble, which was carried. Mr Baylor moved to strike out the word 'their' and insert the word 'our' in the preamble, which was adopted. The preamble was then adopted.

Mr Terry moved to adjourn till 10 o'clock on Monday morning next, which was lost.

Message from the House of Representatives by Mr Garrett. Mr President: The House of Representatives concur in the amendments made by the Senate to the bills entitled: An act to authorize Hazle Littlefield to erect a grist mill and saw mill on the east bank of the Coosa river, in the county of Benton; an act to compensate Samuel Oliver, Daniel Calaway, Arthur Stripling, Elizabeth Watrous, Samuel Feagan, the representatives of Lewis Pugh and Mary Harvey, for provisions furnished General Moore's brigade; also, the House concur in the several amendments made by the Senate to the resolutions in relation to the currency.

Message from the House of Representatives by Mr Garrett. Mr President: The House of Representatives have read and adopted two joint resolutions of the Senate, and amended the same as therein shewn; the House has also passed a bill entitled an act to divorce Emily Ridgell from her husband John W. Ridgell, in which the concurrence of the Senate is desired. Engrossed joint resolutions of the Senate.

The amendments of the House to the engrossed joint resolutions of the Senate, were concurred in.

Engrossed bill from the House of Representatives to be entitled an act to divorce Emiline Ridgell from her husband John W. Ridgell, was read the first time and ordered to a second reading on Monday next.

Mr Cottrell introduced a bill to be entitled an act to alter the time of the meeting of the general assembly of this State, which was read the first time. The question was, 'shall the bill be ordered to a second reading on Monday next?' The yeas and nays were called for. Yeas 17, Nays 7.

The yeas were messrs President Cottrell Devereaux Farrar Frazier Henderson King McVay Riddle Rogers Simmons Smith Terry Toulmin Watrous Wellborn and Wilson. The nays were messrs Baylor Fleming Hudson Lea Lloyd McClellan and Ross.

The bill was ordered to a second reading on Monday next.

Mr Riddle introduced a bill to be entitled an act to incorporate the Greenborough cavalry company, which was read the first time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Toulmin introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Alabama lever press and insurance company, passed 23d, Dec. 1837, which was read the first time, the constitutional rule dispensed with, the bill was read a second time and referred to the committee on the judiciary.

Mr Mays introduced a bill to be entitled an act to incorporate the Wetumpka Manufacturing company, which was read the first time, the constitutional rule dispensed with, the bill was read a second time and referred to the committee on the judiciary.

Mr Ward introduced a bill to be entitled an act to compensate the commissioners of revenue and roads in the county of Covington, and for other purposes, which was read the first time and ordered to a second reading on Monday next.

Mr McClellan introduced a bill to be entitled an act for the relief of Elijah Dodson, which was read the first time and ordered to a second reading on Monday next.

The Senate then proceeded to the orders of the day, and resumed the consideration of the bill to be entitled an act the better to regulate the issues of the Bank of the State of Alabama and the several branches thereof at Decatur, Huntsville, Montgomery and Mobile. The question recurred on Mr Lee's motion to postpone the further consideration of the bill until the first day of March next, which was withdrawn. Mr Hudson moved to refer the bill to the committee on the State Bank, which was carried.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Cassandra Kelly, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to authorize Levi Williams to erect mills on the Coosa river, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to incorporate the town of Paynesville in the county of Sumter; was read the third time and passed the Senate. Ordered to be entitled as above.

The bill to be entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also, defining the rights and liabilities of the owners thereof, was ordered to be engrossed for a third reading on Monday next.

The bill to be entitled an act to prohibit unlawful banking associations, and for other purposes. Mr Wilson offered the following amendment: Section — *And be it further enacted by the authority aforesaid, That from and after the passage of this act, and until the third day of July next, that any person or persons who shall pass off or transfer by delivery, a bill, bond, note, draft, check, post note or paper of any name or description whatsoever, to answer the purposes of money, or as a circulating medium, which shall have been emitted or put in circulation by any company incorporation or unchartered banking association, either in or out of this State, he or they shall be deemed and taken as the endorers thereof, and shall be liable to the person or persons to whom the same shall have been passed off or transferred for the amount of said bill, bond, draft, check, post note or paper, as aforesaid in an action before any court having competent*

jurisdiction thereof, without notice, protest suit or demand against the makers of the aforesaid papers.

On motion of Mr Simmons, the Senate adjourned till Monday 10 o'clock.

*Monday, Jan 14.*—The Senate met pursuant to adjournment. Mr Baylor presented the account of E. H. Hudson, sheriff of Walker county, which was referred to the committee on accounts and claims.

Mr Cottrell presented the account of R. Lawrie, which was referred to the committee on accounts and claims.

Mr Rogers presented the petition of Jacob L. Morton and others, which was referred.

Mr Baylor, from the committee on the judiciary, to which was referred the petition of a portion of the stockholders of the Cahawba river bridge company, reported that the powers asked is already conferred on the company, and asked to be discharged from the further consideration thereof, which was concurred in.

Mr Riddle introduced a bill to be entitled an act to explain in part an act entitled an act to prevent the institution of illegal and oppressive suits in the United States Courts in this State, approved June 30, 1837, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on the judiciary.

Mr McClellan, from the select committee to which was referred the bill to be entitled an act touching fines imposed by brigade courts martial, reported a substitute, which was adopted and ordered to be engrossed for a third reading on tomorrow.

Mr Cottrell offered the following resolution: *Resolved*, that the President of the State Bank inform the Senate whether the several Branch Banks at Montgomery, Mobile, Decatur and Huntsville, have made to the State Bank the reports, statements, and returns required by law, and if any have not, what Branch is in default, and what return statement or return is wanting, which was adopted.

Mr McVay from the committee on the state of the union, to which was referred certain resolutions of the General Assembly of the State of Georgia, in relation to the refusal of the government of the State of Maine, to deliver to the Governor of the State of Georgia, certain fugitives from justice; reported that the action of the Senate in this adoption of resolutions on the subject, render further action on the part of this General Assembly unnecessary, and wished to be discharged from the further consideration of the same, which was concurred in.

Mr McVay from the committee on the state of the union, to which was referred certain resolutions from the States of Rhode Island and Ohio in relation to the annexation of Texas to the United States, reported a preamble and resolutions, which was laid on the table.

Mr Hudson from the committee on State printing, to which was referred a resolution instructing them to inquire into the expediency of amending the law in relation to the State printer, and to pay him in proportion to the work and labor done, reported, it inexpedient to change the law at this time, and requested to be discharged from its further consideration, which was concurred in.

Mr Hudson from the committee on State printing, to which was referred a bill to be entitled an act to change the mode of distributing the laws and journals among the several counties of this State, reported the same as inexpedient, which was laid on the table.

Mr McVay offered the following resolution:

Whereas it is manifest from the experience of a number of years past that from a

deficiency or some other unknown cause or causes of management or imprudent conduct carelessness and defects in the managing the affairs of the Branch Bank of this State, located at Decatur, the State is likely to sustain damage and loss, therefore be it *Resolved*, that the committee on the State Bank, be instructed to inquire into the expediency of removing the said Branch Bank from its present site, to the town of Florence, with leave to report by bill or otherwise.

Mr Cottrell moved to strike out the words 'to the town of Florence.' Mr Fleming moved to postpone the further consideration of the resolution until the first of March next. The yeas and nays were called for; yeas 9, nays 21; motion to postpone lost.

The yeas were messrs. Fleming Frazier Hudson Lee Loyd McClellan Rice Rogers and Terry.

The nays were messrs. President Baylor Cottrell Dent Devereaux Farrar Henderson Hill King McVay Mays Ross Rains Riddle Simmons Smith Toulmin Ward Watrous Wellborn and Wilson.

Mr Cottrell's amendment was then carried, and the resolution adopted.

Message from the House of Representatives, by Mr Phelan, Mr President the House of Representatives, concur in the amendments made by the Senate to their bills entitled an act to amend and consolidate the law in relation to county Treasurers: an act to incorporate Liekka Academy: an act to compensate the commissioners of revenue and roads in the county of DeKalb. The House has also read and adopted the joint memorial requesting Congress to cede to the State of Alabama the muscule shoals canal which originated in the Senate.

Mr Terry offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law to prevent the board of Directors from taking the recommendation of a member in either branch of the Legislature, for any paper offered for discount, whether the same be for notes or bills, and also if any such member should recommend, he or they so doing, shall be held liable for the payment of any such paper in the event the same should not be solvent; the yeas and nays were called for Yeas 19, nays 11. Resolution adopted.

The yeas were messrs. President Baylor Cottrell Dent Farrar Fleming Frazier Henderson Hudson Lee Loyd McVay Ross Simmons Terry Toulmin Ward Watrous and Wellborn.

The nays were messrs. Devereaux Hill King McClellan Mays Rice Rains Riddle Rogers Smith and Wilson.

Mr King offered the following resolution:

Whereas it appears from the report of the commissioners appointed to examine the Bank of the State of Alabama and its Branches, that a special report was made by them to the Governor, under date 15th October last, of certain facts in relation to the Branch at Decatur.

*Resolved*, That his Excellency the Governor, be requested to furnish the Senate with a copy of said report, which was adopted.

Mr King introduced a bill to be entitled an act to allow certain persons therein named, to charge toll for building a bridge across Lubboh creek, in the county of Pickens, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on roads, bridges and ferries.

Mr Rains introduced a bill to be entitled an act to incorporate the town of Linlien, in the county of Marengo, which was read the 1st time the constitutional rule dispensed with, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Smith presented a petition from the committee on the part of the corporate authorities and citizens of Mobile, which was laid on the table.

Mr Smith introduced a bill to be entitled an act to purchase certain documents relating to the survey of the route for a Rail Road, between the Pascumbia, Coumland and Decatur and tide water at Mobile bay, which was read the first time; the yeas and nays were called for on ordering the bill to a second reading. Yeas 11, nays 17.

The yeas were messrs President Devereaux Fleming Hill Lee Mays Rains Simmons Smith Toulmin and Watrous.

The nays were messrs Baylor Cottrell Dent Farrar Frazier Henderson Hudson King Lloyd McClellan McVay Ross Rice Rogers Terry Ward and Wilson.

Mr Wilson presented the account of Jesse Shoemaker, which was referred to the committee on the State Bank.

Mr Lee offered the following resolution:

*Resolved*, That a special committee, consisting of three members, be appointed by the President, whose duty it shall be to inquire into the expediency of drafting and introducing a bill to amend and revise the act incorporating the Alabama and Tennessee rail road company: repealing so much of said act as requires mortgages on real estate, the issuance of State bonds, &c. so as to make it a stock company, free for subscriptions by any and all persons, in or out of this State, and that they report by bill or otherwise, which was adopted; and Mr President appointed Messrs Lee, Smith and Hudson, such committee.

Mr May introduced a bill to be entitled an act to amend the twelfth section of an act entitled an act to incorporate the Montgomery rail road company, approved January 15th, 1834, which was read the first time, ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day, and resumed the consideration of the bill to be entitled an act to prohibit unlawful banking associations and for other purposes. The question recurred on Mr Wilson's amendment which was adopted. Mr Cottrell moved to strike out the 4th section, and insert in lieu thereof the following, 'and be it further enacted, that from and after the passage of this act, no obligation shall be created on the part of any person or persons, or company corporation, or unchartered banking association by thereafter making, emitting, issuing or putting in circulation, any note, bond, bill, draft, check, poste note, or paper of any other name or description whatever, to answer the purposes of money, or for general circulation, to pay, discharge or redeem the same, or to pay any sum or sums of money whatever, and the same shall be no cause of action to support or maintain any suit in any court of this State, or before any Justice of the Peace; nor shall the same be evidence in any such court, or before any Justice of the Peace of any debt, obligation or contract, engagement or agreement whatsoever to maintain any suit at law or in equity.' A division of the question was called for. The yeas and nays were called upon striking out. Yeas 10, nays 19.

The yeas were messrs Cottrell Fleming Henderson Hill McVay nays Terry Watrous Wellborn and Wilson. — The nays were messrs Baylor Dent Devereaux Farrar Frazier Hudson King Lea Lloyd McClellan Ross Rice Rains Rogers Riddle Simmons Smith Toulmin and Ward.

Senate refused to strike out.

Mr Lee offered the following amendment, to come in at the end of the bill; 'provided all paper of such institutions now in circulation, may be returned by the holders thereof to individuals from whom received or to the institutions without incurring any penalty or liability, prescribed in this act, and such persons or institutions shall not hereby be exempted from any obligations to receive any such paper back, which they were under previous to the passage of this act;' which was laid on the table.

Mr Simmons offered the following amendment 'provided further that this act shall not have effect on any unincorporated banking association, which shall pay specie on her bills when presented at the counter of said Bank by the 1st of April next;' which was laid on the table, and the bill ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to establish a State prison and penitentiary, was taken up. Mr Wilson moved to postpone the further consideration of it until the first 1st August next. Yeas and nays were called for. Yeas 11, nays 18.

The yeas were messrs Devereaux Farrar Henderson Hill Lea Ross Riddle Simmons Ward Watrous and Wilson. — Nays were messrs President Cottrell Dent Fleming Frazier Hudson King Lloyd McClellan McVay nays Rice Rains Rogers Smith Terry Toulmin and Wellborn.



On motion of Mr Cottrell the further consideration of the bill was postponed and made the special order of the day for Friday next.

The bill to be entitled an act to regulate the wages of the door-keeper and messenger of the House of Representatives and door-keeper of the Senate, was read a second time and referred to a special committee. Mr President appointed messrs Hudson Mays and Riddle such committee.

Engrossed bill from the House of Representatives, entitled an act the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county, was read the third time, and passed the Senate. Ordered that it be entitled as above.

Engrossed bill from the House of Representatives, entitled an act to amend an act, passed December 23d, 1837, declaring Sipsey river, a public highway, was read the third time and passed the Senate. Ordered that it be entitled as above.

The bill to be entitled an act regulating sales by the sheriff of the county of Shelby, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Light Artillery Borderers, was read the third time and passed the Senate. Ordered to be entitled as above.

The bill to be entitled an act to organize and establish separate courts of chancery, was read the third time. Mr Smith moved to postpone the further consideration of the bill until the first day of March next. The yeas and nays were called for. Yeas 15—14.

The yeas were messrs Devereaux Farrar Fleming Frazier Henderson Hudson King Lloyd McVay Rogers Simmons Smith Terry Ward and Wilson.

The nays were messrs President Baylor Cottrell Dent Hill Lee McClellan Ross Rice Rains Riddle Toulmin Watrous and Welborn.

The further consideration of the bill was postponed.

Engrossed bill to be entitled an act concerning the revenues of Jackson and Marshall counties, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to regulate the time of holding the courts of the sixth judicial circuit, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to prescribe the duties of the Attorney General and for other purposes, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act amendatory of the laws in relation to escheats, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to prevent banks and banking companies chartered by other States from an exercise of their powers within the State of Alabama, was read the third time. On motion of Mr Rains the Senate, adjourned until to-morrow morning at ten o'clock.

*Tuesday, January 15, 1839.*—The Senate met pursuant to adjournment.

Mr Henderson moved to reconsider the vote taken on the passage of the bill to be entitled an act to establish a separate court of chancery—the consideration of which motion was postponed until to-morrow.

Mr President announced the death of Dr Uriah Grigsby of the House of Representatives, and offered the following resolutions:

1st. *Resolved*, That the Senate do deeply deplore the sudden death of Dr. Uriah Grigsby, a member of the House of Representatives, from Dallas county.

2d. *Resolved*, That we sympathise with his bereaved consort in the misfortune that has befallen her, in this painful dispensation of Providence.

3d. *Resolved*, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning round the left arm for thirty days.

4th. *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to make the necessary funeral arrangements.

5th. *Resolved*, That the members of the Senate will meet in the Representative hall, at half past two o'clock, p. m., to join in the funeral procession.

6th. *Resolved*, That the Senate will adjourn over till ten o'clock, a. m. to-morrow.

Message from the House of Representatives by Mr Garrett—Mr President: The House of Representatives have adopted the following resolutions:

1st. *Resolved*, That this House do deeply deplore the sudden death of Dr Uriah Grigsby, a member of this body, from Dallas county.

2d. That we sympathise with his bereaved consort in the misfortune that has befallen her, in this painful dispensation of Providence.

3d. That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning round the left arm for thirty days.

4th. That a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, to make the necessary funeral arrangements.

5th. That the members of this House will meet in the Representative Hall, at half after two o'clock, p. m., for the purpose of forming a funeral procession.

6th. That the Speaker of this House transmit to the widow of the deceased, a copy of these resolutions.

Mr Speaker appointed messrs Phillips, Clifton of D. Weissinger and Porter, the committee of arrangements.

Mr President, resolutions were unanimously adopted; and Mr President appointed messrs Lee, Dent and McClellan, a committee of arrangements to act with the committee of arrangements appointed on the part of the House of Representatives, and the Senate adjourned till to-morrow morning at 10 o'clock.

*Wednesday, January 16, 1839.*—The Senate met pursuant to adjournment.

Mr Hudson presented the petition of Thomas S. Hereford and others, which was referred to the committee on roads, bridges and ferries.

Mr Dent presented the account of messrs Lile and Hopkins, which was referred to the committee on Indian expenditures.

Mr Dent, from the committee on Indian expenditures, to which was referred the accounts of Thomas L. Woodward, reported it inexpedient to allow the account, and asked to be discharged from the further consideration of the same, which was concurred in.

Mr Dent, from the committee on Indian expenditures, to which was referred the accounts of Captain Musgrove and Philip D. Clark, for the loss of horses in the Creek campaign, reported that the same should not be allowed for want of proper vouchers, and asked to be discharged from the further consideration of the subject; which was concurred in.

Mr McClellan, from the committee on enrolled bills, reported that they had examined and found to be correctly enrolled a bill to be entitled an act to define the limits of the town of Somerville, in the county of Morgan, and to incorporate the same.

Mr Hudson, from the committee of conference, to which was referred the matter of difference between the Senate and House of Representatives, on the bill to be entitled an act to regulate judicial proceedings, reported that they recommend to the Senate to recede from its amendment, so far as it relates to the third section of the bill; and that the House concur in the amendment made by the Senate in striking out the second section; which was concurred in.

Mr Smith, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of so

amending the road law, that the width of lanes may be in proportion to the grades of public roads, reported a bill to be entitled an act to authorize the judges of the county courts and commissioners of roads and revenue to fix the width of lanes; which was read the first time. Mr Smith moved to lay the bill upon the table. The yeas and nays were called for. Yeas 20, nays 9.

The yeas were messrs President Baylor Cottrell Devereaux Fleming Henderson King Lea McJellian nays Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Watrous and Wellborn.

The nays were messrs Dent Frazier Hill Hudson Lloyd McVay Ross Ward and Wilson.

The motion prevailed and the bill was laid on the table.

Mr Mays, from the committee on the State bank, to which was referred a bill to be entitled an act explanatory of an act therein mentioned, reported the same with an amendment as an additional section; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays, from the committee on the State bank, to which was referred a resolution instructing them to inquire into the expediency of extending one half of the second instalment of the extended debt, and one half of the second instalment under the bond system until January, 1840, reported it inexpedient to legislate upon the subject; which was concurred in.

Mr Mays, from the committee on the State bank, to which was referred a bill to be entitled an act to regulate the operations of the Bank of the State of Alabama and its branches, reported it back to the Senate and recommended its passage. The bill was ordered to be engrossed for a third reading on to-morrow.

Mr Mays, from the committee on the State bank, to which was referred a bill to be entitled an act to require the president of the State bank, and the presidents of the different branches, to divide the State into districts for the purpose of equalizing the benefits of the banking system of this State, reported the following amendment, strike out 'second Monday' in the first section and insert in lieu thereof 'third Monday;' the amendments were concurred in. Mr Terry moved to postpone the further consideration of the bill till the first day of March next. The yeas and nays were called for. Yeas 12, nays 18.

The yeas were messrs President Dent Fleming Henderson Hudson McJellian Rains Rogers Simmons Terry Toulmin and Wilson.

The nays were messrs Baylor Cottrell Devereaux Farrar Frazier Hill King Lea Lloyd McVay nays Ross Rice Riddle Smith Ward Watrous and Wellborn.

On motion, the bill was referred to a select committee—Mr President appointed messrs Lea, King and Watrous, said committee.

Mr Mays, from the committee on the State bank, to which was referred a resolution instructing them to inquire into the expediency of publishing extracts from the proceedings of the journal of the Board of Directors of the State bank and its branches, so as to show the indebtedness or liability of all persons to the said bank and its branches, in any manner whatever; together with the names of all persons by whom paper is offered for discount or accommodation or may be recommended: *Provided*, the debts heretofore contracted shall not be published, reported it inexpedient to legislate upon the subject; which was concurred in.

Mr Dent, from the committee on Indian expenditures, to which was referred the accounts of George W. Thompson, George Barker, and the estate of William Walker, reported a bill to be entitled an act to compensate certain persons therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr Mays, from the committee on the State bank, to which was referred a bill

to be entitled an act for the establishment of a Branch of the Bank of the State of Alabama, at Irwinton, with a capital of                    hundred thousand dollars, reported it inexpedient to pass it, and reported the accompanying petition on the same subject back to the Senate, and asked to be discharged from its further consideration; the report was concurred in.

Mr Mays, from the committee on the State bank, to which was referred a bill to be entitled an act better to regulate the issues of the Bank of the State of Alabama, and the several Branches thereof, at Decatur, Montgomery, Huntsville, and Mobile, reported the following amendment, strike out the second and third sections. Mr Terry moved to lay the bill and report on the table, and called for the yeas and nays. Yeas 17, nays 10.

The yeas were messrs Dent Devereaux Fleming Hudson King Lea Lloyd McClellan Ross Rains Riddle Rogers Simmons Terry Toulmin Watrous and Wellborn.

The nays were messrs President Baylor, Cottrell Frazier Hill McVay Mays Rice Smith and Wilson.

Mr Smith, from the select committee, to which was referred the bill to be entitled an act for the relief of Isaac Avery, reported the same, amended by filling the blank with 'three hundred and nineteen dollars, seventy-five cents;' Mr Cottrell moved to postpone the bill indefinitely—Mr Smith called for the yeas and nays. Yeas 27, nays 2.

The yeas were messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Rice Rains Riddle Rogers Simmons Terry Toulmin Ward Watrous Wellborn and Wilson.

The nays were messrs Ross and Smith.

The motion prevailed. Mr Smith asked leave to withdraw the papers accompanying the bill, and called for the yeas and nays. Yeas 14, nays 14.

The yeas were messrs Baylor Farrar Fleming Hill Lea Lloyd McVay Ross Riddle Smith Toulmin Ward Watrous and Wellborn.

The nays were messrs President Cottrell Dent Frazier Hudson King McClellan Mays Rice Rains Rogers Simmons Terry and Wilson.

The Senate refused permission to withdraw.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives concur in the amendments made by the Senate to the bill to authorize Levy Williams to erect mills on the Coosa river; the House has read and adopted the joint resolutions in relation to sundry resolutions of the Commonwealth of Kentucky; the House has also passed a bill to reduce the number of directors of the State bank and the several branches, and has amended the same as therein shown; in which amendments the concurrence of the Senate is requested.

The engrossed bill to be entitled an act to reduce the number of Directors of the State bank and its several branches, was then taken up, and the amendment from the House of Representatives concurred.

Message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, Tuscaloosa, January 16th, 1839.

Gentlemen of the Senate and House of Representatives: I have the honor to lay before your honorable bodies a copy of the resolutions and report of the Commercial Convention holden at Augusta, Georgia, in October last, and beg leave to recommend the said resolutions, and the important subject to which they relate to your respectful consideration. A. P. BAGBY.

Hon. James M. Calhoun, President of the Senate.

Mr Cottrell moved to postpone the consideration of the motion to reconsider the vote on the bill to be entitled an act to establish a separate court of chancery, until Monday next, which was carried.

Mr Smith introduced joint resolutions of the Senate and House of Representatives of the State of Alabama on the subject of the presidency and vice presi-

dency of the United States. mr Hudson moved to postpone the further consideration of them indefinitely. mr Terry moved to postpone the consideration of them till the first Monday in August, and called for the yeas and nays. Yeas 24, nays 5.

The yeas were messrs. President Baylor Dent Devereaux Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Rains Riddle Rogers Simmons Terry Ward Watrous and Wilson.

The nays were, messrs Cottrell Farrar Smith Toulmin and Wellborn.

The further consideration of the resolutions was postponed till the first Monday in August next.

Mr Wilson introduced a bill to be entitled an act to incorporate the Fayetteville male and female academy, in Fayette county; which was read the first time, the constitutional rule dispensed with, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Terry called from the table a bill to be entitled an act to authorize and require the Tennessee canal commissioners to ascertain whether any thing be due to John R. and S. S. Henry, and if so, to settle with them accordingly, which was referred to a select committee. mr President appointed messrs. Fleming, Baylor, and Terry, such committee.

Mr Cottrell introduced a bill to be entitled an act to protect the character of females from slanderous aspersions, which was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on the judiciary.

Mr Watrous called from the table the engrossed bill from the House of Representatives, to be entitled an act to incorporate the City of Wetumpka, and the amendments were concurred in down to striking out the sixteenth section.

On motion of mr King, the Senate adjourned until half past three o'clock this evening.

*Evening Session.*—The Senate met pursuant to adjournment. The Senate resumed the consideration of the engrossed bill from the House of Representatives, to be entitled an act to incorporate the city of Wetumpka, and the amendments proposed by the committee and refused to amend the bill further by striking out, except section 28, which was stricken out. Mr Wilson offered the following amendment: Section. — *And be it further enacted*, that the Legislature, shall at all times have the power to abolish said court. On motion of mr Lea, the bill and amendment was referred to a select committee. Mr President appointed messrs. Lea, Watrous and Baylor such committee.

Mr Hudson introduced a bill to be entitled an act to authorize the Judge of the county court of the county of Franklin and commissioners of roads and revenue, to allow compensation to certain persons therein named and for other purposes, which was read the first time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Smith offered the following resolution. *Resolved*, That a committee be appointed to memorialize the Congress of the United States, to have an appropriation made and measures adopted by the General Government to improve the navigation of Iberville, in the State of Louisiana, so as to admit of a free steamboat navigation. The yeas and nays were called for; yeas 4, nays 32.

The yeas were messrs Baylor King Rogers and Smith.

The nays were messrs President Cottrell Dent Devereaux Farrar Fleming Frazier Hudson Lea Lloyd McClellan McVay Mays Ross Rice Rains Riddle Simmons Terry Toulmin Ward Wellborn and Wilson.

Mr Lea introduced a bill to be entitled an act for the benefit of Robert Duke of Perry county, which was read the first time, the constitutional rule dispensed

with, read a second time, and referred to the committee on propositions and grievances. Also the petition of Robert Duke of Perry county, which was referred to the same committee.

The Senate then proceeded to the orders of the day. Engrossed bill to be entitled an act to prevent Banks and Banking companies, chartered by other States, from an exercise of their powers within the State of Alabama. Mr Cottrell offered the following amendment: provided that this act shall extend to and include Attorneys at Law, or agents for the collection of debts due to Banks or corporations of other States, contracted in the States where the corporations or Banks are located, nor shall it include agents appointed here for the payment of debts or liabilities of any such corporations or Banks contracted in the State where such corporations or Banks are located, but to be paid or redeemed in this State. Mr Rains moved to postpone the bill and amendment till the first day of March next. The yeas and nays were called for; yeas 15, nays 11.

The yeas were messrs Dent Fleming Hudson King Lee Loyd McVay Ross Rains Riddle Simmons Watrous and Wellborn.

The nays were messrs Baylor Cottrell Devereaux Farrar Rice Rogers Smith Terry Toulmin Ward and Wilson.

The motion to postpone prevailed.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, a bill to be entitled an act to reduce the number of Directors of the State Bank and the several Branch Banks; engrossed bill to be entitled an act to amend an act limiting the number of Auctioneers in the county of Mobile, and for other purposes was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Lea presented the account of Samuel McLaughlin, sheriff of Perry county, which was referred to the committee on accounts and claims.

Enrolled bill to be entitled an act to amend an act entitled an act to incorporate the Tallassee bridge company, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize the Judge of the county court of Lawrence county, to appoint a coroner in certain cases, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize the extension of the Tuscumbia, Courtland and Decatur rail road, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the Sipsey river navigation company, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to provide for the payment of certain claims therein specified. Mr McClellan moved to indefinitely postpone the bill: the yeas and nays were called for. Yeas 12, nays 13.

The yeas were messrs President Baylor Devereaux King Loyd McClellan Ross Rice Rogers Simmons Ward and Wilson.

The nays were messrs Cottrell Dent Farrar Fleming Frazier Hudson Lea McVay Rains Smith Terry and Toulmin.

The motion to indefinitely postpone was lost, and the bill passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the Tuscumbia Female



Seminary, was read the third time and passed the Senate. Ordered to be entitled as above.

The bill to be entitled an act to attach a part of the county of Tallapoosa to the county of Montgomery, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act to amend and revive an act to incorporate the Fairfield and Macon rail road company, approved December 23d, 1838, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to revive a certain act therein named, was read the third time and passed the Senate. Ordered to be entitled as above.

On motion of Mr Lea the Senate then adjourned till to-morrow morning 10 o'clock.

*Thursday, January 17th 1839.*—The Senate met pursuant to adjournment.

Mr Hudson from the special committee, to which was referred the bill to be entitled an act to regulate the wages of door keeper and messenger of the House of Representatives, and the door keeper of the Senate, reported the same with the following amendment: strike out all of the second section, of the word 'session' in said section, which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Riddle introduced a bill to be entitled an act to amend an act entitled an act on the subject of the public roads, approved, December 23d, 1836; which was read the first time, the constitutional rule dispensed with, the bill read the second time, and referred to the committee on roads, bridges and ferries. The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled an act to incorporate the Argus company of riflemen, was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Rice moved to reconsider the vote on yesterday to grant leave to withdraw the papers accompanying the petition of Isaac Avery, which was carried and leave granted.

Message from the House of Representatives, by Mr Phelan; Mr President, the House of Representatives concur in the report of the committee of conference on the bill to regulate judicial proceedings. The House has also passed a bill to be entitled an act for the improvement of the navigation of the Black Warrior river, and for other purposes, in which the concurrence of the Senate is requested. Engrossed bill from the House of Representatives, to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, was read the first time and ordered to a second reading on to-morrow.

Message from the Governor by Mr Gooch.

*Executive Department, Tuscaloosa, January 17th, 1839.*

Hon. James M. Calhoun, President of the Senate: Sir, In compliance with a resolution of the Senate, I have the honor to submit a copy of the special report made by the commissioners appointed to examine the Bank of the State and its branches, submitted to this department, on the 15th of October, 1838.

A. P. BAGBY.

The message and accompanying documents was referred to the committee on the judiciary.

Engrossed joint resolutions in relation to the distribution of the decisions of the supreme court, was read the third time, and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to compensate T. W. Fleming & Co. and W. McBeth, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to compensate Dr. Doric S. Ball, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize the Judge of the county court and commissioners of revenue and roads of the county of Pike, to levy and collect a county tax, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the Tuscaloosa Guards, was read the 3d time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to provide for the summoning of a jury to attend the county court, of the county of Marion, was read the third time and passed the Senate. Ordered to be entitled as above.

The bill to be entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census, was read a second time. Mr Baylor offered the following amendment: second section, strike out all after 'Perry' and insert 'Wilcox and Monroe one; Butler and Conecuh one; Pike and Covington one; Henry and Dale one; Barbour and Russel one; Macon and Tallapoosa one; Chambers and Randolph one; Shelby and Coosa one; Montgomery one; Dallas one; Lowndes one; Bibb one; Autauga one; Talladega one; Jefferson and Walker one; St. Clair and DeKalb one; Benton and Cherokee one; Blount and Marshal one; Morgan one; Fayette and Marion one; Mobile one; Clarke, Washington and Baldwin one; Marengo one. Mr Terry moved to postpone the bill and amendment, till the first day of August next. The yeas and nays were called for: yeas 10, nays 20.

The yeas were messrs. Baylor Cottrell Dent Frazier Mays Rice Simmons Terry Watrous and Wilson.

The nays were messrs. President Devereaux Farrar Fleming Henderson Hill Hudson King Lea Lloyd McClellan McVay Ross Rains Riddle Rogers Smith Toulmin Ward and Wellborn.

The motion to postpone was not sustained. Mr Mays moved to postpone the bill and amendment until Monday next, to be made the special order of the day which was carried.

Mr Dent moved to suspend the orders of the day, which was carried. Mr Dent offered the following resolution. *Resolved*, that with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall on Saturday next, the 19th instant, at 3 o'clock P. M. for the purpose of electing a President and six Directors for the Bank of the State of Alabama, which was adopted.

Mr Mays offered the following resolution. *Resolved*, That the Secretary of State be requested to communicate to the Senate, all the information in his possession relative to the taking the census for the past year, and particularly the population in each county, which was adopted.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act passed 23d December, 1837, declaring Sipsey river a public highway; an act the better to provide for the advertising of lands and negroes levied on by the sheriff of Dallas county; an act to divorce Eliza H. F. Anderson from her husband Elmond R. Anderson: an act to divorce Martha Roberts from her husband William Roberts; an act to divorce Caroline L. Neily from her husband Jubal L. Neily: an act to divorce John P. Hall from his wife Mary Hall: an act to

compensate the commissioners of revenue and roads, in the counties of Jefferson, Shelby and DeKalb: an act to authorise Hazel Littlefield to erect a saw and grist mill on the east bank of the Coosa river, in the county of Benton, and for other purposes; an act to authorise Levi Williams to erect mills on the Coosa river, an act to incorporate the Liekaa Academy; an act for the relief of Cassandra Kelly, and act to divorce John Youngblood from his wife Eliza Jane Youngblood.

Message from the Governor by Mr Gooch. Mr President, His Excellency the Governor, this day approved and signed a bill from the Senate, entitled an act to reduce the number of directors of the State Bank and the several Branch Banks.

Mr Toulmin offered the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses of the General Assembly will convene in the Hall of the House of Representatives to-morrow at the hour of eleven o'clock, A. M. for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama at Mobile, which was adopted.

Mr Fleming from the select committee to which was referred the bill to be entitled an act to authorize and require the Tennessee Canal Commissioners to ascertain whether any thing be due to John R. & S. S. Henry and if so to settle with them accordingly, reported an amendment to the bill by an additional section. Mr Frazier offered the following amendment to the amendment; Provided that no part of the forty thousand dollars appropriated at the last session of the General Assembly for the completion of the Muscle Shoals Canal shall be applied to any such payment unless there shall be found to be an excess of the same over and above the sum necessary to complete the three and a half miles at the upper end of the present canal, the amendments were adopted, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Lee from the select committee to which was referred, a bill to be entitled an act to require the President of the State Bank and the Presidents of the different Branches, to divide the State into districts for the purpose of equalizing the benefits of the banking system of this State, reported the same with amendments, which were concurred in. Mr Mays moved to strike out all after the second section after the word "accommodation" in the sixth line. Mr Fleming moved to postpone the further consideration of the bill till the first Monday in February. The yeas and nays were called for, yeas 15, nays 14.

The yeas were messrs President Dent Fleming Hudson McClellan Mays Ross Rains Rogers Simmons Smith Terry Toulmin Ward and Wilson. — The nays were messrs Baylor Cottrell Devereaux Farrar Frazier Hill King Lea Lloyd McVay Rice Riddle Watrous and Wellborn.

The motion prevailed.

Mr Terry introduced a bill to be entitled an act to promote silk culture, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to the select committee. Mr President appointed Messrs Terry, Toulmin and Riddle such committee.

Mr Cottrell introduced a bill to be entitled an act to appoint commissioners to investigate the conduct of the late jailor of Mobile county and for other purposes, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on the judiciary.

On motion of Mr Mays, the Senate adjourned until to-morrow morning ten o'clock. **Friday, January 18.**—The Senate met pursuant to adjournment. Mr Hudson presented the account of Mitchell & Lacy, which was referred to the committee on accounts and claims.

Mr Hudson presented the account of A. R. Thomas, which was referred to the committee on accounts and claims.

Mr Smith from the committee on roads bridges and ferries, to which was referred a bill to be entitled an act to allow certain persons therein named, to charge toll for building a bridge across Lubbock creek in the county of Pickens, reported it back with

out amendment and recommended its passage. Mr Toulmin offered the following amendment. Section 2. And be it further enacted, that John Mills, Allen Tate and James G. Slater or their representatives, be, and they are hereby authorized to demand and receive the same rates of toll as they are fixed by the first section of this act, for crossing a bridge erected by them over Oakuppa creek in the county of Washington, for the term of four years from and after the passage of this act, which was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Smith from the committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to authorize William F. Stone and his associates to open and turnpike a road, reported the bill back without amendment, which was laid on the table.

Mr Watrous from the committee on the judiciary, to which was referred, the engrossed bill from the House of Representatives to be entitled an act to divorce Loretta Tate from her husband Griffith Tate, reported the same back to the Senate and recommended its passage, the bill was ordered to a third reading on to-morrow.

Mr Rains from the committee on education to which was referred the petition from township eleven, range six in the county of Wilcox, reported that it is inexpedient to legislate on the subject, which was laid on the table.

Mr Rains from the committee on education to which was referred the petition of citizens of Lawrence county, township seven, range nine, west, reported it inexpedient to legislate on the subject, which was concurred in.

Mr Rains from the committee on education to which was referred the bill in relation to schools and school lands, reported the same back to the Senate with the following amendments to wit: at the end of the section to add the words "any law to the contrary notwithstanding: Provided, that this law shall in no case interfere with the rights of creditors," which were concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the committee on education, to which was referred joint resolutions of the General Assembly of the State of Alabama in relation to a geological survey of the State, reported the same back to the Senate without amendment and recommended their passage. Mr King moved to lay the resolution on the table till the first Monday in March, which was lost and the resolutions were ordered to be engrossed for a third reading on to-morrow.

Mr Lee from the special committee to which was referred an engrossed bill from the House of Representatives to be entitled an act to incorporate the city of Wetumpka, with the amendments offered by Mr King, reported the same back to the Senate with sundry amendments as follows: Section 4, strike out "and a mayor" in the eight line, in the tenth line strike out all from the word "the" to the word "the" in the thirteenth line, strike out all the fifteenth and sixteenth lines and to the word "and" in the seventeenth line, in the eighteenth line strike out the words "mayor and"—from the word "ward" in the twentieth line, strike out all down to "and" in the twenty-third line, in the twenty-sixth line, strike out the words "mayor or," strike out the words "mayor or" in the twenty-eighth line, in the thirty second line strike out the word "said," in the thirty-seventh line strike out the word "mayor," strike out all after the word "city" in the thirty-eight line. Section 5, in the fifth line strike out the words "mayor and," strike out the same words in the tenth and eleventh lines, also in the nineteenth line. Section 6, in the first line, strike out the words "mayor and" also "mayor or" and "as the case may be" in the sixth line. Section 9, in the first line strike out the words "mayor and" also in the fifth line. Section 10, in the second line strike out the words "mayor and," strike out the 18th, 19th and 20th sections and insert in lieu thereof a section as follows: And be it further enacted, that a court, be, and the same is hereby established to be styled "the city court of Wetumpka," whose jurisdiction within the limits of said city with the exception of the powers of appertaining to a court of Probate and Ordinary, shall be the same and concurrent with that of the several county

courts of those counties in which said city is situated, which shall be held on the first Mondays of June and December in every year and continue in session until the business be disposed of, and there shall be elected at the present session of the General Assembly by a joint vote of the two Houses, a judge of said court, who shall be commissioned and be subject to all the laws and responsibilities, and have all the powers and privileges (so far as applicable) as the judges of the several county courts of this State, who shall also be *ex-officio* mayor of said city of Wetumpka. Section 22, in first line after the word "clerk" insert "who as well as the said marshal, shall respectively be also the clerk and marshal of the city council." Section 25, in the sixth line, strike out the word "mayor" and insert "judge of said court." Section 27, in the third line, strike out "mayor" and insert the word "judge" strike out the 28th section, at the end of the last section add this proviso: "Provided this act shall at all times be subjected to alteration, amendment or repeal by the legislature of this State; And Provided further, all the expenses of said court and of said city government shall be paid by the corporate authorities thereof, which were concurred in and the bill ordered on a third reading on to-morrow.

Mr Rains from the committee on education to which was referred the bill to be entitled an act to promote the cause of education in the State of Alabama, reported the same back to the Senate with the following amendments to wit: strike out the words "or academies or schools" wherever they occur in the bill, also the word "an" in the eighth line of the first section and insert in lieu thereof the words "a male," also insert the word "male" before "schools" in the ninth line of the same section—at the end of the second section to add "and the funds thus raised shall be under the control and direction of said judge and commissioners respectively to be employed as they may deem best calculated to promote the permanent interest of such county Academy," before the word "admit in the third line of the fifth section to insert the words "locate said Academy in such part of their county as will be best calculated to promote its prosperity and to" which was concurred in. Mr Smith moved to postpone the further consideration of the bill until Monday next. The yeas and nays were called for, yeas 5, nays 22.

The yeas were messrs Farrar King mays Smith and ward. — Nays were messrs Baylor Cottrell Bent Devereaux Fleming Frazier Henderson Hill Hudson Lea Lloyd McClellan McVay Ross Rice Rains Rogers Simmons Terry Toulmin wellborn and Wilson.

The motion was lost and the bill ordered to be engrossed for a third reading on to-morrow.

Message from the House of Representatives by Mr Puckett. Mr President: The House has passed bills of the following titles, viz: An act to authorise and establish separate courts of chancery: An act for the arrangement, printing and distribution of the laws: An act requiring justices of the peace to give bond: An act to authorise the court of commissioners of revenue and roads in the county of Benton to levy a special tax and for other purposes: An act to incorporate the town of Clinton in the county of Greene: An act to change the time of holding the county court in the county of Benton: An act to change the time of holding the commissioners court for the county of Bibb: An act for the improvement of the navigation of Elk river: An act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the boat where the defendant resides or where the contract was made and for other purposes: An act to authorise an election of a justice of the peace and constable in the town of Maplesville in the county of Bibb and for other purposes: An act for the relief of John V. Otis: An act for the benefit of the sixteenth sections of this State: An act for the relief of John Coleman and others: An act to abolish imprisonment for debt: An act to regulate dower: An act to establish a board of commissioners for the improvement of the navigation of Paint Rock river and for other purposes thereunto connected: An act to repeal so much of an act approved December 23, 1837, as authorises and requires the Governor to appoint three commissioners to examine the State Bank and its several Branches: An act to provide for the examination of the offices of clerks of courts: An act to incorporate the Shelby Mining and Manufacturing

Company: An act to repeal an act increasing the pay of jurors, so far as regards the county of Henry: An act to incorporate the Medical Society of South Alabama, in which the concurrence of the Senate is requested: also, An act to amend an act entitled an act to incorporate the city of Montgomery, approved, December, 23, 1837, which originated in the Senate.

Engrossed bill from the House of Representatives to be entitled an act to organize and establish separate courts of chancery, was read the 1st time, the constitutional rule dispensed with, was read a second time—mr Wilson moved to postpone the bill to the 1st of March next; which was lost; and the bill was referred to the committee on the judiciary. mr Rice moved to adjourn until to-morrow morning at 10 o'clock. The yeas and nays were called for—yeas 13, nays 14.

The yeas were messrs Baylor Cottrell Dent Devereaux Fleming Henderson Lea McClellan Rice Rams Smith Terry and Watrous.

The nays were messrs Farrar Frazier Hill Hudson King Lloyd McVay Mays Ross Rogers Toulmin Ward Welborn and Wilson.

The motion did not prevail.

Engrossed bill from the House of Representatives to be entitled an act for the arrangement, printing and distributing of the laws, was read the first time, the constitutional rule dispensed with, was read a 2d time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act requiring justices of the peace to give bond and security, was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to authorize the court of commissioners of revenue and roads in the county of Benton, to levy a special tax and for other purposes, was read the first time, the constitutional rule dispensed with, was read a second time and referred to a select committee.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Clinton, in the county of Greene, was read the 1st time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to change the time of holding the county court in the county of Benton, was read the 1st time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to change the time of holding the commissioners court for the county of Bibb, was read the 1st time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the improvement of the navigation of Elk river, was read the 1st time. mr Smith moved to lay the bill on the table, which was lost. mr McClellan moved to adjourn till ten o'clock to-morrow morning, which was carried.

*Saturday, January 19, 1839.*—The Senate met pursuant to adjournment.

Mr Farrar presented the petition of William Donaldson and others, which was referred to the committee on county boundaries.

Mr Hudson presented the account of John S. Fitch, which was referred to the committee on accounts and claims.

Mr Frazier presented the petition of Samuel McDavid and others, which was referred to the committee on propositions and grievances.

Mr Terry, from the select committee, to which was referred the bill to be entitled an act to promote the silk culture, reported it back to the Senate and re-



commended its passage; the bill was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Smith offered the following resolution: *Resolved*, That the committee on internal improvement and inland navigation, be instructed to take into consideration the propriety of having some person nominated a delegate to attend the legislature of Mississippi, there to use his influence to have the rail road from Vicksburg to the town of Brandon extended from the town of Brandon to the city of Mobile, and of address in a memorial to the Governor and members of that legislature, and to report accordingly; which was laid on the table.

Mr Rains, from the committee on education, to which was referred the annual report of the Trustees of the University of Alabama, with the accompanying document marked E., together with the joint resolutions to print the same, reported the same back to the Senate with the following joint resolution as a substitute, viz:

*Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the public printer, to print in pamphlet form, two thousand copies of the annual report of the Board of Trustees of the University of Alabama, with the accompanying document marked E; of which number fifteen hundred copies shall be distributed to the House of Representatives, and the remainder to the Senate, which was ordered to a second reading on Monday next.

Report from the Secretary of State:

#### DEPARTMENT OF STATE, }

TUSCALOOSA, JANUARY, 19TH, 1839. }

Hon. James M. Calhoun, President of the Senate—Sir: Pursuant to a resolution of the Senate, I have the honor to lay before the body over which you preside, the census of the several counties in this State, for the past year, noticing particularly the white population, black population, and free persons of color, in each county. This all the information which this Department is in possession of touching the subject. I have the honor to be,

T. B. TUNSTALL, Secretary of State.

The report was laid on the table and three hundred copies ordered to be printed.

Report from the President of the State Bank:

#### BANK OF THE STATE OF ALABAMA, }

TUSCALOOSA, January 17th, 1839. }

Hon. James M. Calhoun, President of the Senate—Dear Sir: In conformity with a resolution of the honorable body over which you preside, adopted on the 15th instant, in relation to the reports, statements, and returns of the several Branch Banks, required by law to be made to this Bank, I have it in my power to reply that the Branch Banks at Montgomery, Decatur, and Huntsville, have made such reports, statements and returns, but none has been made by the Branch Bank at Mobile. With considerations, I am yours, &c.

H. PERKINS, President.

The report was laid on the table.

Message from his Excellency, the Governor, by Mr Gooch:

EXECUTIVE DEPARTMENT, Tuscaloosa, January 18th, 1839.

Gentlemen of the Senate and House of Representatives: The act of the 23d December, 1838, 'authorizing persons therein named to raise a loan in behalf of the State of two million five hundred thousand dollars,' appears to be defective in not requiring the interest upon the amount of said stock deposited with the State Bank and Branches to be paid by them respectively, in proportion to the amount thereof. I therefore beg leave most respectfully to recommend to your consideration the propriety of passing a law making it the duty of the president of the State bank to inform each of the branch banks, officially, of the periods and the place, at which the interest on this loan is to be paid; and requiring each of the Banks to provide the means of paying the interest on this stock in proportion to the amount thereof held by them respectively. It is proper also to add, that the presidents of the two banks with whom I have had the honor of conferring upon the subject, concur fully in the propriety of passing such a law.

A. P. BAGBY.

Which was referred to the committee on the State bank.

Mr McClellan, from the select committee, to which was referred the bill to be entitled an act to authorize the court of commissioners of revenue and roads in

the county of Benton to levy a special tax and for other purposes, reported the same back to the Senate, without amendment, and recommended the passage of the bill; which was ordered to a third reading on Monday next.

Mr Smith, from the committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to authorize certain persons therein mentioned, to open a turnpike road, reported the following amendment in the third section: strike out 'dollars' and insert 'thirty-seven and a half cents' —and at the end of the proviso add the words 'and that this act shall continue and be in force fourteen years and no longer,' which was concurred in. Mr Dent moved to postpone the further consideration of the bill until the 1st day of March next, which was lost, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Watrous, from the committee on divorce and alimony, to which was referred the engrossed bill to be entitled an act to divorce Elizabeth Dance from her husband Henry B. Dance, reported the same back to the Senate, and recommended its passage. Ordered, to a third reading on Monday next.

Mr Watrous, from the committee on divorce and alimony, to which was referred the engrossed bill to be entitled an act to divorce Sarah Green from her husband Henry Green, reported the same back to the Senate and recommended its passage. Ordered, to a third reading on Monday next.

Mr Watrous, from the committee on divorce and alimony, to which was referred the engrossed bill to be entitled an act to divorce Elizabeth Green from her husband John M. Green, reported the same back to the Senate and recommended its passage. Ordered, to a third reading on Monday next.

Mr Hudson presented the petition of Margaret McCollum, which was referred to the committee on the State bank.

Mr Devereaux introduced a bill to be entitled an act to incorporate the Dudleyville academy, in the county of Tallapoosa, which was read the first time, the constitutional rule dispensed with, was read the second time, and referred to the committee on education.

Mr McClellan introduced a bill to be entitled an act to incorporate the town of Fayetteville, in the county of Talladega, which was read the 1st time and ordered to a second reading on Monday next.

Mr McClellan introduced a bill to be entitled an act for the relief of H. H. Wyche, which was read the 1st time and ordered to a second reading on Monday next.

Mr Cottrell introduced a bill to be entitled an act to prevent the carrying of guns and firearms within this State, which was read the 1st time and ordered to a second reading on Monday next.

Mr Devereaux offered the following resolution: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at Society Hill, in Macon county; which was adopted.

Mr Lea introduced a bill to be entitled an act to amend and revive an act entitled an act to incorporate the Mobile and Tennessee rail road company, which was read the first time, the constitutional rule dispensed with, was read the second time, and ordered to be engrossed for a third reading on Monday next.

Mr Toulmin called from the table a bill to be entitled an act the more effectually to prohibit free negroes or persons of color from entering into and remaining in this State, which was ordered to be placed among the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act for the improvement of the navigation of the Elk river, was taken up and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act now in force confining the collection before a justice of the peace in the beat where the defendant resides, or where the contract was made, and for other purposes, was read the first time, the constitutional rule dispensed with, was read a second time. Mr Watrous offered the following amendment: add after the word 'Conecuh' the words 'and Shelby' in the first section; which was adopted, and the bill ordered to a third reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to authorize an election of a justice of the peace and constable in the town of Maplesville, in the county of Bibb and for other purposes, was read the first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act for the relief of John V. Otts, was read the first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act for the benefit of the sixteenth sections of this State, was read the first time, the constitutional rule dispensed, was read the second time and referred to the committee on education.

Engrossed bill from the House of Representatives to be entitled an act for the relief of John Coleman and others, was read the first time, the constitutional rule dispensed with, was read a second time and referred to a select committee.

Engrossed bill from the House of Representatives to be entitled an act to abolish imprisonment for debt, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to regulate dower, was read the 1st time, the constitutional rule dispensed with, was read a second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river and for other purposes thereunto connected, was read the 1st time and ordered to a second reading, on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to repeal so much of an act approved December 23d, 1837, as authorizes and requires the Governor to appoint three commissioners to examine the State bank and its branches, was read the 1st time, the constitutional rule dispensed with, was read a 2d time and referred to the committee on the State bank.

Engrossed bill from the House of Representatives to be entitled an act to provide for the examination of the offices of the clerks of courts, was read the 1st time and laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Shelby mining and manufacturing company, was read the 1st time and ordered to a 2d reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to repeal an act increasing the pay of jurors, so far as regards the county of Henry, approved December 21st, 1837. was read the first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to in-

corporate the Medical Society of South Alabama, was read the 1st time and ordered to a 2d reading on Monday next.

Message from the House of Representatives, by Mr Phelan—Mr President: the House of Representatives, has passed bills of the following titles, viz: An act to apportion the Representatives among the several counties in this State into senatorial districts according to the late census; an act to better enable the president and directors of the Bank of the State of Alabama and its several branches to secure the debts due said banks; an act to reduce the width of lanes on the third grade roads; an act to establish a State prison and penitentiary; and an act to establish a board of commissioners for the improvement of the Choctaw Hatchee river and for other purposes, in which the concurrence of the Senate is required.

Engrossed bill from the House of Representatives to be entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census, was read the first time, the constitutional rule dispensed with, was read a second time, and on motion of Mr Cottrell was made the special order of the day for Monday next.

Mr McClellan, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit: An act to define the limits of the town of Somerville, in the county of Morgan, and to incorporate the same; an act to regulate judicial proceedings; an act to incorporate the Light Artillery Borderers; an act to amend and revive an act to incorporate the Fairfield and Macon rail road company, approved December 23d, 1834; an act to incorporate the town of Paynesville, in the county of Sumter; an act to appoint an additional surveyor in the counties of Randolph, Marshall and Madison; an act to amend and consolidate the law in relation to county treasurer; an act to compensate Samuel Oliver, Daniel Callaway, Arthur Stripling, Elizabeth T. Watson, Samuel Feagan, the legal representatives of Lewis Pugh and Mary Harvey, for provisions furnished General Moore's brigade; and an act to repeal an act entitled an act now in force confining the collection of debts before a justice of the peace in the beat where the contract was made, so far as the county of Sumter is concerned.

Engrossed bill from the House of Representatives to be entitled an act the better to enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Bank, was read the first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to reduce the width of lanes on third grade roads, was read the 1st time, and ordered to a second reading on Monday next.

Engrossed bills from the House of Representatives to be entitled an act to establish a State prison and penitentiary, was read the first time, the constitutional rule dispensed with, was read a 2d time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchee river, and for other purposes, was read the first time, and ordered to a second reading on Monday next.

The Senate then proceeded to the orders of the day. The bill to be entitled an act to establish a jail and penitentiary in the State of Alabama, was taken up and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to divorce Emeline Ridgell from her husband John W. Ridgell, was read a second time and ordered to a third reading on Monday next.

The bill to be entitled an act to compensate the commissioners of revenue and roads in the county of Covington and for other purposes, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill to be entitled an act for the relief of Elijah Dodson, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill to be entitled an act to alter the time of meeting of the General Assembly of this State. Mr Hudson moved to postpone the further consideration of the bill till the first Monday in August next. The yeas and nays were called for—yeas 13, nays 15.

The yeas were messrs Baylor Dent Devereaux Fleming Hill Hudson Lea Lloyd McClellan Ross Rice Terry and Watrous.

The nays were messrs President Cottrell Farrar Frazier Henderson King McVay Mays Rogers Simmons Smith Toulmin Ward Wellborn and Wilson.

The motion was lost. Mr Terry moved to amend the bill by striking out all after the word 'Representatives' in the 2d section. Mr Hudson called for the yeas and nays—yeas 7, nays 21.

The yeas were messrs Dent Fleming Lea McClellan Ross Terry and Watrous.

The nays were messrs President Baylor Cottrell Devereaux Farrar Frazier Henderson King Lloyd McVay Mays Rice Rogers Simmons Smith Toulmin Ward Wellborn and Wilson.

The motion was lost. Mr Wilson moved to strike out the 2d section: the yeas and nays were called for—yeas 16, nays 12.

The yeas were messrs Baylor Dent Devereaux Fleming Hill Hudson Lloyd McClellan Ross Rice Rogers Terry Toulmin Watrous Wellborn and Wilson.

The nays were messrs President Cottrell Farrar Frazier Henderson King Lea McVay Mays Simmons Smith and Ward.

The motion was sustained. On motion of Mr Mays the bill was laid on the table.

Message from the House of Representatives by Mr Garret—Mr President: The House of Representatives has passed joint resolutions proposing to take the sense of the people of this State on the subject of calling a Convention, in which the concurrence of the Senate is desired.

Engrossed joint resolutions from the House of Representatives proposing to take the sense of the people of this State on the subject of calling a convention, were read the 1st time. Mr Terry moved the postponement of the resolutions until the 1st Monday in August next; the yeas and nays were called for: yeas 10, nays 18.

The nays were messrs Dent Fraizer Hill Hudson King McVay Rice Rogers Terry and Wilson.

The Yeas were messrs President Baylor Cottrell Devereaux Farrar Fleming Henderson Lea Lloyd McClellan Mays Ross Simmons Smith Toulmin Ward Watrous and Wellborn.

The motion was lost. Mr Terry moved to suspend the constitutional rule. Mr Hudson called for the yeas and nays. Yeas 15, nays 13.

The yeas were messrs President Cottrell Fleming Henderson Lee Loyd McClellan Mays Ross Smith Terry Toulmin Ward Watrous and Wellborn.

The nays were messrs. Baylor Dent Devereaux Farrar Frazier Hill Hudson King McVay Rice Rogers Simmons and Wilson.

The question was on ordering the resolutions to a second reading. Mr Hudson called for the yeas and nays: yeas 18, nays 20.

The yeas were messrs President Baylor Cottrell Devereaux Farrar Fleming Hudson Lea Lloyd McClellan Mays Ross Simmons Smith Toulmin Ward Watrous and Wellborn.

The nays were messrs. Dent Frazier Hill King McVay Rice Rogers Terry and Wilson.

The resolutions were ordered to a second reading on Monday next.

Engrossed bill to be entitled an act to permit justices of the peace for the two beats which meet in the city of Tuscaloosa to hold their offices within either of said beats, and for other purposes, was read a third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill, to be entitled an act for the relief of Wm Jordan, of Washington County, was read a third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the town of Prairie Bluff in the County of Wilcox, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to provide for the payment of Captain Joseph T. Cook's company, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to attach a part of the county of Dale to the county of Henry, was read the third time and passed the Senate: Ordered to be entitled as above.

The bill to be entitled an act to amend the twelfth section of an act entitled an act to incorporate the Montgomery Rail Road Company, approved July 15,



1834, was read a second time and ordered to be engrossed for a third reading on Monday next.

Engrossed bill to be entitled An act prescribing the mode of establishing and licensing toll bridges, causeways and ferries: also defining the rights and liabilities of the owners thereof, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled An act touching fines imposed by brigade Courts Martial, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act regulating sales by the Sheriff of the County of Shelby, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the town of Linden, in the county of Marengo, was read the third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled An act to incorporate the Greensborough Cavalry Company, was read a third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled An act to prohibit unlawful Banking Companies; and for other purposes. Mr King moved to recommit the bill to a select committee. The yeas and nays were called for—yeas 9, nays 17.

The yeas were messrs Cottrell Hudson King Lea Ross Simmons Smith Watrous and Wellborn. The nays were messrs Baylor Dent Devereaux Farrar Frazier Henderson Hill Lloyd McClellan McVay mays Rice Rogers Terry Toulmin Ward and Wilson.

The motion was lost.

On motion, the blank in the third section was filled with "3d of July," and the blank at the end of the 5th section with "five." The question was on the passage of the bill, the yeas and nays were called for—yeas 21, nays 7.

The yeas were messrs Baylor Dent Devereaux Farrar Fleming Frazier Henderson King Lloyd McClellan McVay Mays Ross Rice Rogers Smith Terry Toulmin Ward Watrous and Wilson. The nays were messrs President Cottrell Hudson Lea Ross Simmons and Wellborn.

The bill passed the Senate. Ordered to be entitled as above.

Mr Mays made a motion to adjourn. The yeas and nays were called for.—Yeas 9; Nays 18.

The yeas were messrs President Dent Fleming Hill mays Rice Rogers Smith and Toulmin.—The nays were messrs Baylor Cottrell Devereaux Farrar Frazier Henderson King Lea Lloyd McClellan McVay Ross Simmons Terry Ward Watrous Wellborn and Wilson.

The Senate refused to adjourn.

The bill to be entitled an act to compensate certain persons therein named, was read a second time and ordered to be engrossed for a third reading on Monday next.

Engrossed bill to be entitled an act the better to regulate the operations of the Bank of the State of Alabama and its branches, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the Fayetteville Male and Female Academy, in Fayette county, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to attach a part of the county of Tallapoosa, to the county of Montgomery, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act explanatory of an act therein mentioned, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize the Judge of the county court



of the county of Franklin, and commissioners of revenue and roads, to allow compensation to certain persons therein named, and for other purposes, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other other purposes, was read a second time and ordered to a third reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the city of Wetumpka, was read the third time and passed the Senate. Ordered to be engrossed as above.

Engrossed bill to be entitled an act to regulate the wages of the door keeper and messenger of the House of Representatives, and door keeper of the Senate, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize and require the Tennessee canal commissioners to ascertain whether any thing be due to John R. & S. S. Henry, and if so, to settle with them accordingly, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the house of representatives to be entitled an act to divorce Lucretia T. Tate from her husband Griffith Tate, was read the third time, and its further consideration postponed until Monday next.

Engrossed bill from the House of representative to be entitled an act to incorporate the town of Clinton in the county of Green, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the House of representatives to be entitled an act to change the time of holding the county court in the county of Benton, was read the second time, the proviso at the end of the bill stricken out, and the bill ordered to a reading on Monday next.

Engrossed bill from the House of Representatives to entitled an act to change the time of holding the commissioners court for the county of Bibb, was read a second time and referred to a select committee, mr President appointed messrs Hudson, Hill and King, such committee.

Mr Frazier introduced a bill to be entitled an act for the relief of the purchasers of the sixteenth section of township two, of range four, east, in the Huntsville land district, which was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on propositions and grievances.

Mr Simmons introduced a bill to be entitled an act to exempt certain persons from working on roads, which was read the first time and ordered to a second reading on Monday next.

Mr Baylor introduced a bill to be entitled an act to alter the time of holding certain courts therein mentioned, which was read the first time and ordered to a second reading on Monday next.

Mr King offered the following resolution: *Resolved*, That during the remainder of this session, the Senate will hold evening sessions.

On motion of mr Hudson, the Senate adjourned until 10 o'clock Monday morning.

*Monday, Jan. 21.*—The Senate met pursuant to adjournment. mr McClellan presented the petition of Wm. Carmichael, which was referred to the committee on privileges and elections.

Mr Hudson presented the account of A. R. Thomas, which was referred to the committee on accounts and claims.

Mr Hudson presented the account of Samuel Stephens, jailor of Franklin county, which was referred to the committee on accounts and claims.

Mr Lee asked for leave of absence for the Senator from Mirengo county, which was granted.

Mr Lea, from the committee on education to which was referred, a bill to be entitled an act to incorporate the Dudleyville Academy, in the county of Tallapoosa, reported the same to the Senate without amendment, and recommended its passage. Ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act for the arrangement, printing and distributing of the laws, reported the same back to the Senate and advised against its passage, which was concurred in.

Mr Cottrell, from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives to be entitled an act requiring justices of the peace to give bond and security, reported the same back to the Senate and recommended its passage. On motion, the first Blank in the bill was ordered to be filled with "1000." Mr Frasier moved the indefinite postponement of the bill. The yeas and nays were called for—yeas 7, nays 22.

The yeas were messrs Devereaux Farrar Fleming Frazier McVay Riddle and Rodgers. The nays were messrs President Baylor Cottrell Dent Henderson Hill Hudson King Lea Lloyd McClellan Mays Ross Rice Shumbras Smith Terry Toulmin Watrous Wellborn and Wilson.

The motion was lost, and the second blank in the bill was filled with "fifteen days;" the bill was then read the third time, and passed the Senate: Ordered to be entitled as above.

Mr Cottrell from the committee on the Judiciary, to which was committed a communication of Wm Burt, asking the passage of a law authorising Wm P. King, guardian, to sell and convey the real estate of his wards, reported to the Senate that the prayer of the petitioner is not a legitimate subject for legislation, and asked to be discharged from its further consideration; which was concurred in.

Mr Cottrell from the Committee on the Judiciary, who were instructed to inquire into the expediency of requiring auctioneers to give bond and security for the faithful performance of their duty, and for the payment of all sums of money that may come into their hands, reported a bill and recommended its passage, which was read the first time, and the constitutional rule dispensed with, was read the second time. Mr McClellan offered an amendment as an additional section, which was adopted, and the bill ordered to be engrossed for a third reading on tomorrow.

Mr Cottrell from the committee on the Judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to change the names of certain persons therein named, reported the same back to the Senate without amendment: the Senate adopted the following amendment, *'And be it further enacted, That the name of Thomas Johnson of the county of Jackson, be, and the same is hereby changed to Thomas J. Evans,'* the bill was then ordered to a third reading on to-morrow.

Mr Cottrell from the committee on the Judiciary, to which was referred the bill to be entitled an act to explain in part, an act entitled an act to prevent the institution of illegal and oppressive suits in the United States' Courts in this State, approved June 30th, 1837, reported it inexpedient to pass the bill: which was concurred in.

Mr Cottrell from the committee on the Judiciary, to which was referred a bill to be entitled an act to appoint Commissioners to investigate the conduct of the

the Jailor of Mobile county and for other purposes, reported the same back to the Senate without amendment, and recommended its passage, the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the committee on the Judiciary, to which was referred a bill to be entitled an act to protect the character of females from slanderous aspersions, reported the same back to the Senate without amendment, and recommended its passage; the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the committee on the Judiciary, who were required to inquire into the expediency of passing a law to prevent the board of directors from taking the recommendation of a member in either branch of the Legislature for any paper offered for discount, whether the same be for notes or bills, and also, if any such member shall recommend, he or they, so doing, shall be held liable for the payment of any such paper, in the event the same should not be solvent, reported it inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the subject, which was concurred in.

Mr Cottrell from the committee on the Judiciary, to which was referred a bill to be entitled an act to amend an act entitled an act to incorporate the Alabama Lever Press and Insurance Company, reported that it would be inexpedient to pass the same.

Mr Cottrell from the committee on the Judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to amend the laws relating to absconding slaves, reported the same with an amendment, to strike out the 3d section, which was concurred in, the bill read the third time and passed the Senate: ordered to be entitled as above.

Mr Cottrell from the committee on the Judiciary, to which was referred a bill to be entitled an act to incorporate the Wetumpka Manufacturing Company, reported the same amended by five additional sections—and in the sixth line of the first section of the bill, insert before the word 'Wetumpka', 'president and directors of the' which was concurred in: Mr Mays moved to strike out the last section of amendments: the yeas and nays were called for. Yeas 13, nays 11.

The yeas were messrs Baylor Devereaux Farrar Frazier Henderson Hill Lloyd McVay Rice Rogers Ward Wellborn and Wilson.

The nays were messrs President Cottrell Dent Fleming Hudson King Lea McClellan Mays Ross Riddle Simmons Smith Terry Toulum and Watrous.

The motion was lost, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the committee on the Judiciary, to which was referred a bill to be entitled an act to establish a State Prison and Penitentiary, reported the same back to the Senate without amendment, and recommended its passage—Mr Cottrell offered the following amendment: Sect. 1st. strike out all after the word 'labor' in the 6th line, to the word 'all' in the 7th line; strike out the 3d section, strike out the 4th section, strike out the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th sections, which was adopted: Mr Dent moved to strike out the words '50 miles': Mr Cottrell called for the previous question: the yeas and nays were called for. Yeas 15, nays 13.

The yeas were messrs Cottrell Devereaux Farrar Fleming Hudson Lea McClellan Mays Ross Rogers Simmons Terry Toulum Watrous and Wellborn.

The nays were messrs President Baylor Dent Frazier Hill King Lloyd McVay Rice Riddle Smith Ward and Wilson.

The motion was sustained: the question was on ordering the bill to a third reading. The yeas and nays were called for. Yeas 18, nays 10.

The yeas were messrs Baylor Cottrell Devereaux Fleming Frazier Hudson King Lloyd McClellan McWay Mays Rice Rogers Simmons Smith Terry Toulmin and Welborn.

The nays were messrs President Dent Farrar Hill Lea Ross Riddle Ward Watrous and Wilson.

The bill was ordered to a third reading on to-morrow.

Mr Cottrell from the committee of three, appointed by the Senate, to act with a committee appointed by the House of Representatives, to revise and amend the joint rules prescribing the manner of conducting a joint vote of the two Houses of the General Assembly, reported the following joint rules, and recommended their adoption.

*Rule 1.* When the Senate assemble in the Hall of the house of representatives, the President of the Senate shall take his seat on the left of the Speaker of the house, and the Senators shall seat themselves in chairs to be provided for the purpose, immediately in front of the inner row of Desks in the hall of the house.

*Rule 2.* No Senator shall during a joint vote of the two Houses, intermix with the Representatives, nor shall the Representatives intermix with the Senators.

*Rule 3.* Each Senator and Representative shall answer from his seat when his name is called in its order by the Secretary of the Senate or Clerk of the house, and any Senator or Representative who shall fail or refuse to vote when his name is called, shall be considered as having waived his right to vote, and shall not afterwards be allowed to do so.

*Rule 4.* No Senator or Representative shall approach the clerk's table during the time the Senate is in the house.

*Rule 5.* The President of the Senate shall preserve order among the Senators in the same manner as if the Senate were in session in the Senate Chamber, and the Speaker of the house shall keep and preserve order among the Representatives as he would were the Senate not present.

Mr Baylor from the committee on the Judiciary, to which was referred a bill to be entitled an act to authorize the administrators of the estate of Jesse Hill, deceased, late of Talladega county, to make titles to certain tracts or lots of lands therein named, reported that inasmuch as the lands in said bill mentioned, lie beyond the limits of this State, it is not expedient for the General Assembly to legislate upon the subject, and asked to be discharged from its further consideration, which was concurred in.

Mr Hudson from the special committee to which was referred an engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the Commissioner's Court of the county of Bibb, reported the same back to the Senate with the following amendments, to wit:—In the caption of the act insert the words 'of Roads and Revenue' after the word 'court,' strike out the word 'so' in the first section after the word 'act,' in which amendments they ask the concurrence of the Senate, and recommend the passage of the bill; the amendments were concurred in, and the bill read the 3d time and passed the Senate: ordered to be entitled as above.

Mr Wellborn from the select committee to which was referred a resolution instructing them to inquire into the expediency of paying off the Russell county volunteers, under the command of Capt. E. E. Park, for services rendered during the late Creek war, reported a bill and recommended its passage; the bill was read the first time and ordered to a second reading on to-morrow.

Mr Riddle from the select committee to which was referred so much of the Governor's message as relates to the establishing of a public warehouse in the city of Mobile, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same, which was concurred in.

Mr Dent moved to reconsider the vote on ordering to a third reading the bill to be entitled an act to incorporate the Wetumpka Manufacturing Company; which was carried: mr Dent then moved to reconsider the vote concurring in the report of the committee so far as the last section of amendment was concur-

red in, which was carried. The question was then upon concurring in the last section of the amendments proposed by the committee, which was to render the stockholders individually liable for the contracts of the company, and the Senate refused to concur—the amendment was lost: and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Henderson from the special committee to which was referred the bill for the relief of John Coleman and others, purchasers of sixteenth sections, reported in the same back to the Senate, amended by three additional sections, as therein shewn. Mr Lea moved to refer the bill and amendments to the committee on Education, which was carried and the bill so referred.

Mr Cottrell moved to reconsider the vote on the bill to be entitled an act to incorporate the Lever Press and Insurance Company, which was carried, and the bill ordered to be laid on the table.

The following motion of Mr King came up to be considered:—*Resolved*, That the remainder of the present session, the Senate, will hold evening sessions: Mr Cottrell moved to lay the resolution on the table—the yeas and nays were called for. Yeas 15, nays 12.

The yeas were messrs. Bayley Cottrell Devereaux Fleming Lea Lloyd McVay nays Ross Rice Simmons Smith Terry Tomlin and Watrous.

The nays were messrs President Dent Farrar Fraser Hib Hudson King McClellan Riddle Rogers Warren and Wilson.

The resolution was laid on the table.

Message from the Governor, by Mr Gooch, Mr President, His Excellency the Governor on Saturday, 19th inst. approved and signed a bill from the Senate entitled an act to define the limits of the town of Somerville in the county of Morgan and to incorporate the same.

Message from the House of Representatives, by Mr Puelan, Mr President, the House of Representatives, concur in the amendment made by the Senate to the bill to be entitled an act to incorporate the city of Wetumpka; the House has passed bills which originated in the Senate, entitled, an act to incorporate the town of Aberfoyl in the county of Macon: an act to authorize the sheriff of Blount county to serve process issued by Justices of the Peace in said county: an act to prevent surprize and injury to defendants in execution: an act to establish the Swift Creek Manufacturing Company in the county of Autauga which they have amended as therein shewn: the House has also passed bills which originated in the House entitled, an act to provide for the payment of the interest on the State Bonds by the State Bank and the several Branches: an act to authorize Cyrus Sybley to make improvements on a certain tract of land thereafter designated: an act for the establishment and support of preparatory schools in the several counties in this State; in which the concurrence of the Senate is desired.

Engrossed bill to be entitled an act to establish the Swift Creek Manufacturing Company, in the county of Autauga: the amendments made by the House of Representatives were concurred in.

Engrossed bill from the House of Representatives to be entitled an act to provide for the payment of the interest on the State Bonds by the State Bank and the several Branches, was read the first time, the constitutional rule dispensed with, was read the second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorize Cyrus Sibley to make improvements on a certain tract of land hereinafter designated, was read the first time: the constitutional rule dispensed with, was read a second time, and referred to the committee on the Judiciary.



Engrossed bill from the *House of Representatives* to be entitled an act for the establishment and support of preparatory schools in the several counties in this State : was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on Education.

The Senate proceeded to the orders of the day : the bill to be entitled an act to apportion the Representatives among the several counties in this State : and to divide the State into senatorial districts according to the late census : on motion of Mr Hudson the bill was laid on the table.

Engrossed bill from the *House of Representatives* to be entitled an act to apportion the representatives among the several counties in this State, and to divide the State in senatorial districts, according to the late census : Mr Baylor offered the following amendment ; strike out the second section and insert, ' Mobile one, Clarke and Washington one, Baldwin one, Marengo one, Wilcox and Monroe one, Conecuh and Butler one, Henry, Covington and Dale one, Barbour and Pike one, Russell, Macon and Tallapoosa one, Green one, Perry one, Autauga one, Bibb one, Shelby and Coosa one, Chambers and Randolph one, Talladega one, Jefferson and Walker one, St. Clair and De Kalb one, Benton and Cherokee one, Blount and Marshall one, Jackson one, Madison one, Morgan one, Limestone one, Lauderdale one, Lawrence one, Franklin one, Fayette and Marion one, Pickens one, Sumter one, Tuscaloosa one : the yeas and nays being called for. Yeas 15, nays 14.

The yeas were messrs. President Baylor Cottrell Farrar Frazier Hill Loyd McClellan McVay Mays Ross Simmons Terry Toulmin and Wilson.

The nays were messrs. Dent Devereaux Fleming Henderson Hudson King Lea Ross Riddle Rogers Smith Ward Watrous and Wellborn.

The amendment was adopted and the bill ordered to a third reading on tomorrow.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Elizabeth Green from her husband John M. Green, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Sarah Green from her husband William Green was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to divorce Elizabeth Dance from her husband Henry B. Dance, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed Joint Resolutions from the *House of Representatives* proposing to take the sense of the people of this State on the subject of calling a convention : Mr Terry moved to postpone the resolutions until the first Monday in August next : the yeas and nays were called for. Yeas 12, nays 17.

The yeas were messrs Dent Frazier Hill Hudson King Loyd McVay Rice Riddle Rogers Terry and Wilson.

The nays were messrs President Baylor Cottrell Devereaux Farrar Fleming Henderson Lea McClellan Mays Ross Simmons Smith Toulmin Ward Watrous and Wellbourn.

The motion to postpone was lost.

Mr Terry offered the following amendment :—*Resolved*, That no member of either branch of the present legislature shall be eligible to a seat in said convention, should the people determine to call one ; Mr Cottrell moved to lay the amendment on the table, the yeas and nays were called for. Yeas 20, nays 9.

The yeas were messrs. President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Henderson Hill Lea McClellan Mays Ross Rice Simmons Smith Toulmin Ward and Watrous.

The nays were, messrs Hudson King Lloyd McVay Riddle Rogers Terry Wellborn and Wilson.

The amendment was laid on the table : Mr King offered the following amendment—'and that vote neither for or against it, and shall be so returned'—m



Cottrell called for the previous question : the yeas and nays were called for Yeas 16, nays 12. The call for the previous question was sustained.

The yeas were messrs Baylor Cottrell Devereaux Farrar Fleming Henderson Lea McClellan Mays Ross Simmons Smith Toulmin Ward Watrous and Wellborn.

The nays were messrs President Frazier Hill Hudson King Lloyd McVay Rice Riddle Rogers Terry and Wilson.

The yeas and nays were called for on ordering the resolutions to a third reading on to-morrow. Yeas 17, nays 12.

The nays were messrs President Baylor Cottrell Devereaux Farrar Fleming Henderson Lea McClellan Mays Ross Simmons Smith Toulmin Ward Watrous and Wellborn.

The yeas were messrs Dent Frazier Hill Hudson King Lloyd McVay Rice Riddle Rogers Terry and Wilson.

The resolutions were ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorize the court of commissioners of revenue and roads in the county of Benton to levy a special tax and for other purposes, was read the third time and passed the Senate : ordered to be entitled as above.

The resolutions concerning the annual report of the Trustees of the University of Alabama, and accompanying documents, were read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river and for other purposes thereunto connected, was read a second time and laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to divorce Emeline Ridgell from her husband John W. Ridgell, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchee river and for other purposes, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to reduce the width of lanes on third grade roads, was read the second time and laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks, was read a second time and referred to the committee on the State Banks.

Engrossed bill from the House of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river and for other purposes, was taken up and laid on the table—mr Mays made a motion to adjourn : the yeas and nays were called for. Yeas 11, nays 17.

The yeas were messrs. Baylor Dent Farrar Hill McClellan Mays Rice Riddle Rogers Smith and Toulmin.

The nays were messrs President Cottrell Devereaux Fleming Frazier Hudson King Lea McVay Ross Simmons Terry Ward Watrous Wellborn and Wilson.

The motion to adjourn did not prevail : mr Hudson moved moved to adjourn until half past three o'clock : the yeas and nays were called for. Yeas 9, nays 19.

The yeas were messrs President Farrar Fleming Hudson King Riddle Rogers Toulmin and Wilson.

The nays were messrs Baylor Cottrell Dent Devereaux Frazier Hill Lea Lloyd McClellan McVay Mays Ross Rice Simmons Smith Terry ward watrous and wellborn.

Message from the House of Representatives by mr Phelan, mr President, the House of Representatives concur in the report made by the joint committee of the two Houses to draft rules for the regulation of the two Houses during the time in which the two Houses are engaged in conducting joint elections.

Engrossed bill from the House of Representatives to be entitled an act to change the time of holding the county court in the county of Benton, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to divorce Lucretia T. Tate from her husband Griffith Tate, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Shelby Mining and Manufacturing Company, was read the second time and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to repeal an act increasing the pay of Jurors so far as regards the county of Henry, approved December 21st, 1837, was read the second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Medical Society of South Alabama, was read a second time and referred to the committee on Education.

The bill to be entitled an act to exempt certain persons from working on roads : on motion of mr Hudson the bill was indefinitely postponed.

The bill to be entitled an act to alter the time of holding certain courts therein mentioned, was read a second time and referred to a select committee, mr President appointed messrs Baylor, Farrar, and McClellan, such committee.

The bill to be entitled an act more effectually to prohibit free negroes or persons of color, from entering into and remaining in the State, was read a second time : mr Dent offered to amend the same, by adding two additional sections which were adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to prevent the carrying of guns and fire arms by Indians, in this State, was read a second time ; mr Dent offered the following amendment "slaves and free persons of color," which was, with the bill referred to the committee on the Judiciary.

On motion of mr Lea the Senate adjourned till 10 o'clock to-morrow morning.

*Tuesday, January 22d, 1839.*—The Senate met pursuant to adjournment, mr Hudson presented the account of Augustin Lynch, which was referred to the committee on Account and Claims.

Mr Hudson presented the petition of John L. Dorsey, which was referred to the committee on the Judiciary.

mr Hudson from the joint committee appointed to examine the offices of the Comptroller of Public Accounts and State Treasurer, reported that they commenced their investigation with the 27th day of November, 1836, to which date the said offices had been examined by a committee appointed for that purpose, by the legislature, as appears by said report—the committee have compared every voucher with the entries on the books in the Comptroller's office, and all the vouchers in the Treasurer's office with the corresponding entries in his books, together with the various acts authorizing payments, &c. from that period to the close of the fiscal year, on the 26th day of November, 1838 ; an examination running through more than four thousand entries, and in all of which, not the

least difference appeared. They also examined all the additions and extensions of the books, and compared them with the several reports made by those officers and found them to correspond with exact correctness. To those reports the committee refer for the condition of the several funds, and for balance in the Treasury, all of which is on deposit as appears by the Treasurer's bark book. The committee also examined a neatly executed register in the office of the Treasurer of all the State bonds issued pursuant to the several acts of the General Assembly, creating State Stock since 1834, and a tabular statement of all that had been issued from 1827 to that time. The books in both of the offices are kept in a clean neat style, and in a plain and simple system, and all of the papers, vouchers, &c. correctly and carefully filed. And the committee cannot close their report without expressing their sense of the great facilities so politely afforded them by those officers, and they take pleasure in saying that they have discharged the responsible duties of their respective offices, with ability and fidelity. Signed—Benjamin Hudson, *Chairman*, on the part of the Senate—Solomon McAlpin, *Chairman*, on the part of the House of Representatives: which was concurred in.

Mr Dent from the committee on Indian Expenditures, to which was referred the account of Little & Hopkins, reported a bill for the amount claimed, and recommended its passage, which was read the first time; the constitutional rule dispensed with, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on the State Bank, to which was referred a bill to be entitled an act to repeal so much of an act, approved December 23d, 1837, as authorizes and requires the Governor to appoint three commissioners to examine the State Bank and its Branches, reported it back to the Senate: the bill was read the third time and passed the Senate: ordered to be entitled as above.

Mr Mays from the committee on the State Bank to which was referred the claim of Jesse Shoemaker, reported that it is inexpedient to legislate upon the subject, which was concurred in; and Mr Wilson granted leave to withdraw the accounts.

Mr Mays from the committee on the State Bank to which was referred a resolution instructing them to inquire into the expediency of compelling the Presidents and Directors of the Bank of the State of Alabama and its several Branches, hereafter elected, before entering upon their respective duties, to give bond with such security as may be approved by the Governor, for double the amount which each is entitled to receive, in the way of accommodations, &c. from the Bank, &c. reported that it is inexpedient to legislate upon the subject, which was concurred in.

Mr Mays from the committee on the State Bank to which was referred a bill to be entitled an act authorizing the Governor of the State, and other persons therein named, to issue certificates of stock, reported a substitute and recommended its passage: which was laid on the table.

Mr Mays, from the committee on the State Bank to which was referred the petition of Margaret McCollum, reported a bill which was read the first time, the constitutional rule dispensed with, was read a second time. Mr Baylor moved the indefinite postponement of the bill. The yeas and nays were called for. Yeas 10, Nays 18.

The yeas were messrs President Baylor Cottrell Devereaux Henderson Loyd McClellan Mays Riddle and Watrous.

The nays were messrs Dent Farrar Fleming Hill Hudson King Lea McVay Ross Rice Rogers Simmons Smith Terry Toulmin Ward Wellborn and Wilson.

The motion was lost, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays, from the committee on the State Bank to which was referred a bill to be entitled an act to repeal in part an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same, and for other purposes, reported it back to the Senate and recommended its passage. The bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Mays, from the committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of removing the Branch Bank at Decatur, from its present location, reported a bill to the Senate and recommended its passage. The bill was read the first time. Mr Fleming moved to postpone the further consideration of the bill until the first Monday in August. The yeas and nays were called. Yeas 9, Nays 20.

The yeas were messrs. Fleming Frazier Hudson Lea Lloyd McClellan Rice Rogers and Terry.

The nays were messrs. President Baylor Cottrell Dent Devereaux Farrar Henderson Hill King McVay Mays Ross Riddle Simmons Smith Toulmin Ward Watrous Wellborn and Wilson.

Motion lost. Mr Smith moved to dispense with the constitutional rule to give the bill a second reading. The yeas and nays were called for. Yeas 9, Nays 20.

The yeas were messrs. Cottrell Devereaux Henderson King McVay Ross Smith Ward and Watrous.

The nays were messrs. President Baylor Dent Farrar Fleming Frazier Hill Hudson Lea Lloyd McClellan Mays Rice Riddle Rogers Simmons Terry Toulmin Wellborn and Wilson.

Motion lost. The yeas and nays were called for on ordering the bill to a second reading on to-morrow. Yeas 20, Nays 9.

The yeas were messrs. President Baylor Cottrell Dent Devereaux Farrar Henderson Hill King McVay Mays Ross Riddle Simmons Smith Toulmin Ward Watrous Wellborn and Wilson.

The nays were messrs. Fleming Frazier Hudson Lea Lloyd McClellan Rice Rogers and Terry.

The bill was ordered to a second reading on to-morrow.

Mr Wellborn, from the select committee, to which was referred the bill to amend an act to incorporate the town of Irwinton, in Barbour county, reported a substitute, which was concurred in, and ordered to be engrossed for a third reading on to-morrow.

Mr Dent introduced a bill to be entitled an act to attach a part of Tuscaloosa county to the county of Jefferson, which was read the first time, the constitutional rule dispensed with, the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lep, from the committee on education, to which was referred an engrossed bill from the house of Representatives, to be entitled an act for the benefit of the 16th sections of this State, reported the same with amendments, which were concurred in, and the bill laid on the table, and 100 copies ordered to be printed.

Mr Cottrell, from the committee on the judiciary, to which was referred the engrossed bill from the house of Representatives to be entitled an act to organize and establish separate courts of chancery, reported the same without amendment, and recommended its passage. Mr Cottrell moved to amend the bill by striking out '250' in the eleventh section, which was carried. Mr Terry moved to postpone the further consideration of the bill indefinitely. The yeas and nays were called for. Yeas 11, Nays 18.

The yeas were messrs. Farrar Frazier Hill Hudson McVay Rice Rogers Smith Terry Ward and Wilson.

The nays were messrs. President Baylor Cottrell Dent Devereaux Fleming Henderson King Lea Lloyd McClellan Mays Ross Riddle Simmons Toulmin Watrous and Wellborn.

Motion lost. The bill was then ordered to a third reading on to-morrow.

Mr Dent called from among the orders of the day the bill to be entitled an



act the more effectually to prohibit free negroes and persons of color from entering into and remaining within this State, which was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Fleming moved to take from the table a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Paint Rock river, and for other purposes thereunto connected, which was carried, and the bill ordered to be placed among the orders of the day.

Message from the house of Representatives by Mr Phelan. Mr President, the house has passed bills which originated in the Senate of the following titles, viz: An act to give a specific name to a literary institution near Marion, in the county of Perry; an act for the relief of William Smith, of Madison county; also, an act fixing the salaries of Secretary of State, State Treasurer, Comptroller of Public Accounts, and Adjutant and Inspector General, which originated in the house, and in which the concurrence of the Senate is required.

Engrossed bill from the house of Representatives to be entitled an act fixing the salaries of the Secretary of State, State Treasurer, Comptroller of Public Accounts, and adjutant and Inspector General, was read the first time, the constitutional rule dispensed with, the bill read the second time. Mr Frazier moved to strike out the word 'six' in the third section, which was lost. Mr Frazier then offered the following amendment as a proviso: 'Provided, The whole amount allowed to the Adjutant and Inspector General shall not exceed two hundred dollars in any one year.' Mr Terry moved to lay the amendment on the table. The yeas and nays were called for. Yeas 15, Nays 12.

The yeas were messrs. Baylor Cottrell Dent Fleming Hudson King Lea McClellan Mays Rice Riddle Smith Terry Toulmin and Wellborn.

The nays were messrs. President Devereaux Farrar Frazier Hill Lloyd McVay Ross Rogers Simmons Ward and Wilson.

The motion prevailed; the constitutional rule was again dispensed with, and the bill read the third time. The yeas and nays were called on the passage of the bill. Yeas 13, Nays 15.

The yeas were messrs. Baylor Cottrell Dent Fleming Hudson Lea McClellan Mays Rice Riddle Smith Terry and Wellborn. The nays were messrs. President Devereaux Farrar Frazier Hill King Lloyd McVay Ross Rogers Simmons Toulmin Ward Watrous and Wilson.

The bill was lost.

Mr King introduced a bill to be entitled an act for building of a Poor house, and the support of Paupers in the county of Pickens, which was read the first time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Hudson introduced a bill to be entitled an act to authorize the President and trustees of the town of Tusculum, to regulate the retailing of spirituous liquors in said town, which was read the first time, the constitutional rule dispensed with, was read a second time, and was with the accompanying petition, referred to the committee on the judiciary.

Mr Dent moved to take from the table the engrossed bill from the house of representatives, to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, and place it among the orders of the day, which was carried.

Mr Rogers moved to reconsider the vote on ordering to a third reading the engrossed bill from the house of representatives to be entitled an act to apportion the representatives among the several counties of this State, and to divide the State into senatorial districts, according to the late census, which was carried. Mr Smith moved to refer the bill to a select committee, and called for the yeas and nays. Yeas 13, Nays 15.

The yeas were messrs Dent Devereaux Hudson King Lea Lloyd McVay Ross Riddle Smith Ward Watrous and Wellborn. — Nays were messrs President Baylor Cottrell Farrar Fleming Frazier Hill McClellan Mays Rice Rogers Simmons Terry Toulmin and Wilson.

The motion was lost. Mr Hudson moved to dispense with the constitutional rule; the yeas and nays were called for. Yeas 10, Nays 12.

The yeas were messrs Cottrell Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Rice Riddle Rogers Simmons and Wilson. — The nays were messrs President Baylor Dent Devereaux Mays Ross Smith Terry Toulmin Ward Watrous and Wellborn.

The motion was lost and the bill was ordered to a third reading on to-morrow.

Mr Cottrell moved to adjourn until the day after to-morrow. Mr Rogers moved to adjourn until to-morrow morning 10 o'clock, which was lost.

Mr Toulmin introduced a bill to be entitled an act defining the mode of appointing Directors in behalf of the State, in the Bank of Mobile, which was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on the judiciary.

The Senate proceeded to the orders of the day. The bill to be entitled an act for the relief of H. H. Wyche, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to incorporate the town of Fayetteville, in the county of Talladega, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the improvement of the navigation of Elk river, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made, and for other purposes, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize an election of a justice of the peace and constable in the town of Maplesville, in the county of Bibb, and for other purposes, was read a second time and laid on the table.

Engrossed bill from the House of Representatives to be entitled an act for the relief of John V. Oats, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to alter and amend an act to revive and amend the laws in relation to schools and school lands approved November 17th, 1837, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed joint resolutions of the General Assembly of Alabama in relation to a geological survey of the State, were read the third time. Mr Terry moved to postpone the resolutions until the first day of August next. The yeas and nays were called for—Yeas 19, nays 7.

The yeas were messrs Cottrell Dent Farrar Fleming Henderson Hill Hudson King Lloyd McClellan McVay Ross Rice Simmons Terry Toulmin Ward Watrous and Wilson.

The nays were messrs President Baylor Devereaux Lea Mays Riddle and Smith.

The bill was postponed.

Engrossed bill to be entitled an act to promote silk culture, was read the third time. Mr Lea moved to postpone the further consideration of the bill until the first Monday in August next. The yeas and nays were called for—Yeas 12, nays 14.



The yeas were messrs Cottrell Dent Henderson Hudson Lea Lloyd McClellan McVay Mays Ross Ward and Wellborn.

The nays were messrs President Baylor Devereaux Fleming Hill King Rice Riddle Simmons Smith Terry Toulmin Watrous and Wilson.

The motion was lost. The yeas and nays were called for on the passage of the bill. Yeas 14, nays 12.

The yeas were messrs President Baylor Devereaux Fleming Hill King Rice Riddle Simmons Smith Terry Toulmin Watrous and Wilson.

The nays were messrs Cottrell Dent Henderson Hudson Lea Lloyd McClellan McVay Mays Ross Ward and Wellborn.

The bill passed the Senate. Ordered, to be entitled as above.

Engrossed joint resolutions from the House of Representatives proposing to take the sense of the people of this State on the subject of calling a convention was read the third time. The yeas and nays were called for on the passage of the bill—yeas 16, nays 12.

The yeas were messrs President Baylor Cottrell Devereaux Farrar Fleming Henderson Lea Mays Ross Smith Ward Watrous and Wellborn.

The nays were messrs Dent Frazier Hill Hudson King Lloyd McVay Rice Riddle Terry Toulmin and Wilson. The resolutions passed the Senate.

Engrossed bill from the house of Representatives to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchee river, and for other purposes, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to repeal an act increasing the pay of jurors so far as regards the county of Henry, approved December 21st, 1837, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to establish a State prison and penitentiary, was read the third time. Mr Cottrell moved to fill the blank in the 19th section with '30,000,' which was carried. The yeas and nays were called for on the passage of the bill—yeas 16, nays 11.

The yeas were messrs Baylor Cottrell Devereaux Fleming Frazier Hudson King Lloyd McVay Mays Rice Simmons Smith Terry and Toulmin.

The nays were messrs President Dent Farrar Hill Lea Ross Riddle Ward Watrous Wellborn and Wilson.

The bill passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to promote the cause of education in the State of Alabama, was read the third time, and its further consideration postponed until to-morrow.

The bill to be entitled an act to provide for the payment of a certain company of troops therein named, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the house of Representatives to be entitled an act to change the names of certain persons therein named, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to provide for the payment of the interest on the State bonds by the State bank and the several branches, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to compensate certain persons therein named, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to authorize certain persons therein mentioned, to open and turnpike a road, was read the third time. The yeas and nays were called for on the passage of the bill; yeas 12, nays 15.

The yeas were messrs Fleming Frazier Henderson Hill Hudson King Ross Rice Terry Toulmin Ward and Wilson.

The nays were messrs President Baylor Cottrell Dent Devereaux Farrar Lea Lloyd McClellan McVay Mays Simmons Smith Watrous and Welborn.

The bill was lost.

Engrossed bill to be entitled an act for the relief of Elijah Dodson, was read the third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill to be entitled an act to protect the character of females from slanderous aspersions, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to amend the twelfth section of an act entitled an act to incorporate the Montgomery rail road company, approved January 15th, 1834, was read the third time and passed the Senate. Ordered, to be entitled as above. On motion of mr Hudson the Senate adjourned until ten o'clock to-morrow morning.

*Wednesday, January 23d, 1839.*—The Senate met pursuant to adjournment. mr Mays moved to reconsider the vote taken on the passage of the bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Choctaw Hatchee river and for other purposes. The yeas and nays were called for. Yeas 13, nays 13.

The yeas were messrs President Baylor Farrar Hill Lea Lloyd McClellan McVay Mays Riddle Rogers Watrous and Wilson.

The nays were messrs Dent Devereaux Fleming Frazier Hudson King Ross Rice Simmons Smith Toulmin Ward and Welborn.

The motion was lost.

Mr Toulmin presented the petition of Darling Collins, which was referred to the committee on inland navigation and internal improvement.

Mr Lea, from the committee on the State bank, to which was referred a resolution instructing them to inquire into the propriety of repealing so much of twenty-sixth section of an act entitled an act in relation to schools and school lands, as requires the whole gross profits to be paid out without any deduction for bank expenses, &c. on payments on account of the sixteenth sections, &c., reported a bill to be entitled an act to repeal in part an act entitled an act to revise and amend the laws in relation to schools and school lands, approved December 25th, 1837, which was read the first time, the constitutional rule dispensed with was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Lea, from the committee on education, to which was referred the engrossed bill from the House of Representatives to be entitled an act for the relief of John Coleman and others, reported it inexpedient to pass the bill; which was concurred in.

Mr Lea, from the committee on education, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to incorporate the Medical Society of South Alabama, reported it inexpedient to pass the bill; the report and bill were laid on the table.

Mr Lea, from the committee on education, to which was referred the engrossed bill from the House of Representatives, to be entitled an act for the establishment and support of preparatory schools in the several counties in this State, reported that a bill on the same subject and having the same object in view, is now in progress before the Senate, the provisions of which the committee deem preferable, and that the passage of this is therefore unnecessary and inexpedient. On motion of mr King the bill was recommitted to the committee on education.

Engrossed bill to be entitled an act to promote the cause of education in the

State of Alabama, was, on motion of Mr King, taken up and referred to the committee on education.

Mr Rice, from the committee on privileges and elections, to which was referred sundry documents relative to the contested election between James Ward and Angus McAllister, of Henry, Covington and Dale counties, reported that the law prescribing the mode of contesting elections, approved January 5th, 1836, requires that a notice in writing shall be given to the party whose seat is contested, either by a personal service of the same, or by a copy thereof being left at his usual place of residence, within thirty days after such election shall have been held. Your committee have been unable to find any such notice among the numerous documents referred to their consideration. That although there appears to be a large amount of testimony, taken principally *ex parte*, yet inasmuch as the necessary steps precedent to taking such testimony were not complied with, your committee believing that all such testimony was illegal, did not minutely examine the contents thereof. That said Angus McAllister has presented no memorial to the Senate, stating the grounds of said contested election—nor has he appeared in his own proper person, nor by any agent known to your committee. Your committee are therefore of the opinion, that the said Angus McAllister has been fully satisfied and convinced that his claims are illegal and unsupported by testimony. Wherefore, because no sufficient notice has been executed on, the said James Ward agreeably to the above recited act, and because no memorial has been presented to the Senate by the said McAllister, setting forth the grounds of such contest: and lastly, because said McAllister does not appear by himself or his agent, to prosecute said contest. *Therefore, be it Resolved*, That the said James Ward, the sitting member, is entitled to his seat in this House as Senator from the counties of Henry, Covington and Dale, and that said Angus McAllister, is not entitled to the same; which was concurred in by the Senate.

Mr Rice, from the committee on privileges and elections, to which was referred the bill to be entitled an act to abolish and establish certain election precincts therein named, reported sundry amendments as additional sections which were concurred in. Mr McClellan offered the following amendment:

Sec. 4. *And be it further enacted*, That an additional election precinct be, and the same is hereby established at Luke's rail, in the county of Benton.

Sec. 5. *And be it further enacted*, That an election precinct is hereby established at the house of Dr. William L. Acker, in the county of Benton: which was adopted. Mr Hudson offered the following amendment:

Sec. 6. *And be it further enacted*, That an election precinct be and the same is hereby established at Warrenton, in the county of Dallas: which was adopted. Mr Mays offered the following amendment:

Sec. 7. *And be it further enacted*, That an election precinct be and the same is hereby established at the Harrowgate Springs, in the county of Montgomery.

which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

The Senate then proceeded to the orders of the day.

Engrossed bill from the House of Representatives, to be entitled an act to apportion the Representatives in this State, and to divide the State into Senatorial districts according to the late census, was read the third time. Mr Terry moved to postpone the further consideration of the bill until the first Monday in August. Yeas and nays were called for—yeas 10, nays 18.

The yeas were messrs Cottrell Dent Farrar King Mays Rice Smith Terry Watrous and Wilson. The nays were messrs President Baylor Devereaux Farrar Fleming Hill Henderson Lea Lloyd McVay Ross Riddle Rogers Simmons Toulmin Ward and Wellborn.

Motion lost. Mr. Ross moved to lay the bill on the table: yeas and nays were called for—yeas 8, nays 20.

The yeas were messrs Dent King Lee Ross Smith Toulmin Ward and Watrous.

The nays were messrs President Baylor Devereaux Farrar Fleming Frazier Hill Hudson Lloyd McClellan McVay Mays Rice Riddle Rogers Simmons Terry Wellborn and Wilson.

The motion was lost. The yeas and nays were called for on the passage of the bill—yeas 17, nays 10.

The yeas were messrs President Baylor Devereaux Farrar Fleming Hill Hudson Lea Lloyd McClellan McVay Rice Riddle Rogers Simmons Toulmin and Wellborn.

The nays were messrs Dent Frazier King Mays Ross Smith Terry Ward Watrous and Wilson.

The bill passed: Ordered to be entitled as above.

The bill to be entitled an act to provide for the removal of the Branch of the

Bank of the State of Alabama at Decatur, was read the second time and referred to a select committee. Mr. President appointed messrs. Terry, Toulmin, Cottrell, Dent, Rice, Welbourn, King, Mays and McClellan, such committee.

Engrossed bill from the House of Representatives to be entitled an act to establish separate Courts of Chancery, was read the third time, the blanks filled. On motion of Mr. Cottrell, the yeas and nays were called for on the passage of the bill—yeas 15, nays 13.

The yeas were messrs President Cottrell Dent Devereaux Fleming King Lea Lloyd McClellan Mays Riddle Simmons Toulmin Watrous and Wellborn.  
The nays were messrs. Baylor Farrar Frazier Hill Hudson McVay Ross Rice Rogers Smith Terry Ward and Wilson.

The bill passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to establish a Board of Commissioners for the improvement of the navigation of Point Rock River, and for other purposes thereunto connected, was read the second time, and ordered to a third reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to establish a Board of Commissioners for the improvement of the navigation of the Black Warrior River, and for other purposes, was read the third time. The yeas and nays were called for on the passage of the bill—yeas 20, nays 7.

The yeas were Messrs Baylor Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lea Lloyd Rogers Ross Simmons Smith Terry Toulmin Ward and Wilson.

The nays were messrs. President Devereaux McClellan McVay Mays Riddle and Welbourn.

The bill passed the Senate: Ordered to be entitled as above.

Mr. Terry moved to reconsider the vote ordering to a 3d reading on tomorrow, the engrossed bill from the House of Representatives to be entitled an act to establish a Board of Commissioners for the improvement of the navigation of Point Rock River, and for other purposes thereunto connected; which was carried. On motion of Mr. Terry, the constitutional rule was dispensed with, the bill read the third time. The yeas and nays were called for on the passage of the bill—yeas 21, nays 4.

The yeas were messrs. Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea McClellan McVay Ross Rice Simmons Smith Terry Toulmin Ward and Wilson.

The nays were messrs. President Mays Riddle and Welbourn.

The bill passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act for the improvement of the navigation of Elk River, was read the third time. The yeas and nays were called for on the passage of the bill—yeas 24, nays 4.

The yeas were messrs. Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Ross Rice Rogers Simmons Smith Terry Toulmin Ward Watrous and Wilson.

The nays were messrs President Mays Riddle and Welbourn.

The bill passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of John V. Otts, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to allow certain persons therein named to charge toll for building a bridge across Lubbock Creek, in the county of Pickens, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the Dudleyville Academy, in the county of Tallapoosa, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to attach a part of the county of Tuska-



loosa to the County of Jefferson, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to repeal in part an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its Branches, and legalizing the suspension of specie payments of the same, and for other purposes; approved January, 30, 1837, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to investigate the conduct of the late jailor of Mobile County, and for other purposes, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to amend and revive an act entitled an act to incorporate the Tennessee and Mobile Railroad Company; approved January 4, 1836, was read the third time, and referred to the committee on the Judiciary.

Engrossed bill to be entitled an act to compensate the commissioners of Revenue and Roads in the County of Covington, and for other purposes, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed joint resolution in relation to the printing of the annual report of the Trustees of the University of Alabama, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act for the relief of Margaret McCullom, was read the third time. The yeas and nays were called for on the passage of the bill—yeas 16, nays 11.

The yeas were messrs. Dent, Farrar, Fleming, Frazier, Hill, Hudson, King, Lee, McVay, Ross, Rogers, Simmons, Smith, Terry and Toulmin.

The nays were messrs. President, Cottrell, Devereaux, Lloyd, McCallan, Nays, Riddle, Wat, Watrous and Wilson.

The bill passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to compensate Little and Hopkins, was read the third time and passed the Senate: Ordered to be entitled as above.

The vote on the engrossed bill from the House of Representatives to be entitled an act fixing the salaries of the Secretary of State; the State Treasurer; Comptroller of public accounts, and Adjutant and Inspector general, was reconsidered, on motion of Mr. Toulmin. Mr. Terry offered the following amendment: 'provided that the per diem pay of the Adjutant General shall not exceed the sum of five hundred dollars in any one year;' which was adopted. The yeas and nays were called for on the passage of the bill—yeas 16, nays 12.

The yeas were messrs. Baylor, Dent, Devereaux, Fleming, Hudson, King, Lee, McCallan, Rice, Riddle, Simmons, Smith, Terry, Toulmin, Watrous and Welbourn.

The nays were messrs. President, Cottrell, Farrar, Frazier, Hill, Lloyd, McVay, Nays, Ross, Rogers, Ward and Wilson.

The bill passed the Senate: Ordered to be entitled as above.

Message from the House of Representatives by Mr. Phelan: Mr President, the House of Representatives concur in the amendments made by the Senate to their bills entitled—An act to change the time of holding the county court in the county of Benton; an act to amend a law relating to absconding slaves; an act requiring justices of the peace to give bond and security; an act to change the Commissioners' Court for the County of Bibb; an act to establish a State prison and penitentiary. The House has passed a bill which originated in the Senate, entitled an act to incorporate the Carthage Female Academy, and has amended the same as therein shown. The House has also passed bills which originated in the House of the following titles, viz: An act to authorize the formation of an additional regiment in the county of Barbour; an act to incorporate

the town of Warsaw in Sumter County; an act to divorce Nancy Patterson from her husband Edward Patterson; an act for the relief of the purchasers of sixteenth of township four, range five west, in the county of Limestone; an act to authorize Henry C Dunn to make a title to a certain tract of land; and an act to raise a fund for the use of the fire company in the city of Mobile—in which the concurrence of the Senate is desired.

Engrossed bill to be entitled an act to incorporate the Carthage Female Academy: the amendments of the House were concurred in by the Senate.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the formation of an additional regiment in the County of Barbour, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Warsaw, in Sumter county, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to divorce Nancy Patterson from her husband Edward Patterson, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of the purchasers of sixteenth section of township four, range five west, in the county of Limestone, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives, to be entitled an act to authorize Henry C. Dunn to make a title to a certain tract of land, was read the first time, the constitutional rule dispensed with, was read the second time, and ordered to a third reading on tomorrow.

Engrossed bill from the House of Representatives, to be entitled an act to raise a fund for the use of the fire company in Mobile, was read the first time, and ordered to a second reading on tomorrow.

Message from the House of Representatives, by Mr. Phelan: Mr President, the House of Representatives has passed bills of the following titles: An act to locate the seat of justice for the county of De Kalb, and for other purposes, an act to alter the mode of assessing and collecting the county tax of Butler county, and for other purposes—in which the Senate is requested to concur.

Engrossed bill from the House of Representatives to be entitled an act to locate the seat of Justice of the county of De Kalb, and for other purposes, was read the first time, the constitutional rule dispensed with, was read the second time and referred to a select committee. Mr President appointed messrs. Frazier, Farrar and Lloyd such committee.

Engrossed bill from the House of Representatives, to be entitled an act to alter the mode of assessing and collecting the county tax of Butler county, and for other purposes, was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on the Judiciary.

Mr Lea, from the committee on Inland Navigation and Internal Improvement, to which was referred a bill to provide for the construction of a Rail Road at the expense of the State, to be styled the Alabama State and Tennessee Rail Road, reported the same back to the Senate without amendment, which was laid on the table.

Mr King moved to take from the table a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches; which was carried, and the bill referred to the committee on the State Bank.



Mr. Henderson moved to reconsider the vote taken on the bill to be entitled an act for the relief of John Coleman and others, which was carried, and the bill laid on the table.

On motion of Mr. Cottrell, leave of absence for the remainder of the session was granted to the Senator from Butler and Connecticut.

Mr. Ross offered the following resolution: Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the laws now in force on the subject of mills and millers, so as to include steam or horse mills that grind for sale, and report by bill or otherwise, which was adopted.

Mr. Terry offered a joint resolution for the immediate publication of the laws of a public character, which was read the first time. Mr. Terry moved to dispense with the constitutional rule, that the resolution be read a second time forthwith—which was lost. The Senate refused to order the bill to a second reading on tomorrow. Mr. Terry moved a reconsideration of the vote.

On motion of Mr. Dent, the Senate adjourned until tomorrow morning, 10 o'clock.

*Thursday, January 24th 1839.*—The Senate met pursuant to adjournment.

Mr. Cottrell from the judiciary committee, to which was referred the bill to be entitled an act to incorporate the town of Clinton in the county of Greene, reported the same with the following amendment; insert the words, 'the name of' after the word 'by' in the second line of the 1st section, which was concurred in, and the bill read the third time and passed the Senate. Ordered to be entitled as above.

On motion of Mr. Lea, the engrossed bill from the House of Representatives, to be entitled an act to incorporate the medical society of South Alabama, was taken from the table and recommittees to the committee on education.

On motion of Mr. McClellan, the engrossed bill from the House of Representatives, to be entitled an act for the relief of John Coleman and others, was taken from the table, and on motion of Mr. Smith, was referred to a select committee. Mr. President appointed messrs. Ross, Cottrell and Lea such committee.

On motion of Mr. Wellborn, the engrossed bill from the House of Representatives, to be entitled an act to authorize the election of a justice of the peace and constable in the town of Maplesville, in the county of Bibb, and for other purposes, was taken from the table. Mr. Wellborn offered the following amendment: *And be it further enacted*, that an additional constable be elected for term number ten, in the county of Chambers, in the same manner as now pointed out by law and subject to the same restrictions and liabilities as other constables of this State, which was adopted, and the bill ordered to a third reading on tomorrow.

Mr. Lea introduced a bill to be entitled an act to authorize Thomas H. Davis to erect a toll bridge across the Oakmulgee creek, at or near the point called Greens bridge on the line between the counties of Perry and Dallas, which was read the first time; the constitutional rule dispensed with, was read a second time and referred to the committee on roads, bridges and ferries.

Mr. Frazier from the select committee, to which was referred the engrossed bill to be entitled an act to locate the seat of justice of the county of DeKalb, and for other purposes, reported the following amendments with the bill back to the Senate: first strike out 'February' wherever it occur in the first section and insert 'March?' second, by inserting an additional section after the 6th section, which was concurred in; and the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr. Smith introduced a bill to be entitled an act to establish a board of commissioners to improve the navigation of the Tombecbee river and for other pur-

poses, which was read the first time, the constitutional rule dispensed with, was read the second time and referred to a special committee: Mr President appointed messrs. Toulmin, Mays, Smith and Ross such committee.

Mr Mays introduced a bill to be entitled an act to regulate the duties of the clerks of the county courts in the respective counties of this State, which was read the first time, the constitutional rule dispensed with, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Mobile and Spring Hill rail road company, which was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on inland navigation and internal improvement.

Mr Hudson presented the account of Hogan & Lyon, which was referred to the committee on accounts and claims.

Mr Hudson from the committee on roads, bridges and ferries, to which was referred the petition of M. A. Price and others, asking the passage of a law authorizing the said M. A. Price to turnpike a certain road therein named, reported a bill to be entitled an act to authorize M. A. Price and his associates to turnpike a certain road therein named which was read the first time. Mr Dent moved to postpone the farther consideration of the bill until the first day of March next. The yeas and nays were called for yeas 16, nays 10.

The yeas were messrs President Baylor Cottrell Dent Farrar Hill Lea Lloyd McClellan McVay Mays Noble Simmons South Terry and Watrous. The nays were messrs Frazier Hudson King Ross Rogers Toulmin Ward Welborn and Wilson.

The motion to postpone was carried.

The Senate proceeded to the orders of the day. The joint resolutions for the immediate publication of the laws of a public character, were taken up. The question was shall the joint resolutions pass to a second reading, which was lost. Mr Terry moved to reconsider the vote of the Senate refusing to order the resolution to a second reading, the yeas and nays were called for; yeas 7, nays 20.

The yeas were messrs Baylor Lea Mays Rice Riddle Terry and Toulmin. The nays were messrs President Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lloyd McClellan McVay Ross Rogers Simmons Smith Ward Watrous Welborn and Wilson.

The motion to reconsider was lost.

Engrossed bill from the House of Representatives, to be entitled an act to raise a fund for the use of the fire company in the city of Mobile, was read a second time, and ordered to a third reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to authorize Henry C. Dunn to make a title to a certain tract of land, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of the purchasers of sixteenth section of township four, range five, west, in the county of Limestone, was read a second time and laid on the table.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Nancy Patterson from her husband Edward Patterson, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Warsaw, in Sumter county, was read a second time and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the formation of an additional regiment in the county of Barbour, was read a second time and referred to the military committee.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles to wit: an act

to give a specific name to a literary institution near Marion, in the county of Perry; joint resolutions in relation to the boundary line between the State of Alabama and the State of Georgia; a joint memorial requesting Congress to cede to the State of Alabama, the muscle shoals canal; an act to amend an act entitled an act to incorporate the city of Montgomery, approved December 23d 1837; an act for the relief of William Smith of Madison county; an act to prevent surprise and injury to defendants in execution; an act to authorise the sheriff of Blount county, to serve process issued by justices of the peace for said county; joint resolutions of the Senate and House of Representatives of the State of Alabama; an act to incorporate the town of Aberfoil, in the county of Macon; an act to establish the Swift creek manufacturing company, in the county of Autauga; joint preamble and resolutions of the State of Alabama, responsive to certain joint resolutions of the commonwealth of Kentucky, touching the currency and the administration of the General Government.

Engrossed bill to be entitled an act to incorporate the Wetumpka manufacturing company, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to amend and enlarge an act entitled an act to incorporate the town of Larkinsville, in Jackson county, and town of Irwinton, now in Barbour county, so far as relates to the town of Irwinton, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to provide for the payment of a certain company of troops therein named, was read the third time. The yeas and nays were called for on the passage of the bill. Yeas 14, nays 11.

The yeas were messrs Baylor Farrar Fleming Hudson Lea Lloyd Mays Rice Riddle Simmons Smith Terry Touman and Wilson.

The nays were messrs President Cottrell Dent Frazier Hill McClellan McVay Ross Rogers Ward and Wilson.

The bill passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to incorporate the town of Fayetteville in the county of Talladega, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act concerning auctioneers was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act for the building of a poor house and the support of paupers in the county of Pickens, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act supplemental to an act to amend an act entitled an act to incorporate the city of Montgomery, was read the first time, the constitutional rule dispensed with, was read a second time, the constitutional rule again dispensed with, was read a third time and passed the Senate. Ordered to be entitled as above.

Mr Ross from the select committee to which was referred the bill to be entitled an act for the relief of John Coleman and others, reported that they have amended the bill by an additional section and recommended its passage, the bill was read the third time and passed the Senate. The title ordered to be amended.

Mr King introduced a bill to be entitled an act to affix the salary of the President and Directors of the Bank of the State of Alabama and its several Branches, which was read the first time—the yeas and nays were called for on ordering the bill to a second reading on to-morrow. Yeas 15, nays 12.

The yeas were messrs Baylor Fleming Hill King Lea Rice Riddle Rogers Simmons Smith Terry Touman Watrous Welborn and Wilson. The nays were messrs President Cottrell Dent Farrar Frazier Hudson Lloyd McClellan McVay Mays Ross and Ward.

The bill was ordered to a second reading on to-morrow.

Mr Terry called from the table the engrossed bill to be entitled an act for the relief of the purchasers of the sixteenth section in township four, range five, west in the county

of Limestone. Mr Cottrell offered to amend the bill by an additional section, which was adopted, the constitutional rule was suspended, the bill read a third time and passed the Senate—the title altered by adding 'of this State.'

On motion of Mr Cottrell the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, January 25.*—The Senate met pursuant to adjournment. Mr Cottrell from the committee on the judiciary who were instructed to inquire into the expediency of amending the law now in force on the subject of mills and millers so as to include steam or horse mills that grind for toll, reported a bill to be entitled an act concerning steam and horse mills, which was read the first time and ordered to a second reading on to-morrow.

Mr Cottrell from the committee on the judiciary to which was referred a bill to be entitled an act to legalize the acts of Moses Hughs as sheriff of Cherokee county, reported that it was inexpedient to pass the bill, the report and bill were laid on the table.

Mr Cottrell from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives to be entitled an act to alter the mode of assessing and collecting the county tax in the county of Butler and for other purposes, reported the same without amendment, the bill was ordered to a third reading on to-morrow.

Mr Cottrell from the committee on the judiciary to which was referred the bill to be entitled an act for the relief of H. H. Wyche, reported a substitute for the bill, which was concurred in and ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell from the committee on the judiciary to which was referred a communication of John L. Dorsey, reported it inexpedient to legislate thereon, concurred in.

Mr Cottrell from the committee on the judiciary to which was referred a bill to be entitled an act to authorise the President and Trustees of the town of Tusculum to regulate the retailing of spirituous liquors in said town, reported it inexpedient to pass the bill, which was concurred in.

Mr Cottrell from the committee on the judiciary to which was referred the bill to be entitled an act defining the mode of appointing directors in behalf of the State in the Bank of Mobile, reported a substitute, which was concurred in and ordered to be engrossed for a third reading on to-morrow.

Mr Baylor from the committee on the judiciary to which was referred a bill to be entitled an act to prevent the carrying of guns and fire-arms by Indians within this State, reported it inexpedient to pass the bill. The yeas and nays were called for on concurring in the report, yeas 8, nays 19.

Those who voted in the affirmative are Messrs. Baylor, Frazier, Riddle, Smith, Toulmin, Ward, Watkins and Welborn.

Those who voted in the negative are Messrs. President Cottrell, Dent, Farrar, Fleming, Hill, Hudson, King, Lea, Lloyd, McClellan, McVay, Mays, Ross, Rice, Rogers, Simmons, Terry and Wilson.

The Senate refused to concur, and on motion of Mr Baylor, the bill and Mr Dent's amendment were referred to a select committee. Mr President appointed Messrs Baylor, Dent and Hudson said committee.

Mr Cottrell from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives, to be entitled an act to authorise Cyrus Sibley to make improvements on a certain tract of land hereinafter designated, reported it inexpedient to pass the same, which was concurred in.

Mr Cottrell from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives to be entitled an act to abolish imprisonment for debt, reported the same back to the Senate and recommended its passage, the bill was ordered to a third reading on to-morrow.

Mr Cottrell from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives, to be entitled an act to regulate dower, reported the same back to the Senate and recommended its passage. Mr Terry moved to amend by striking out the word 'credible' before 'attesting' which was adopted. On motion of Mr Ross the further consideration of the bill was postponed until to-morrow.

Mr Cottrell from the committee on the judiciary to which was referred, a bill to be



entitled an act for the relief of the sufferers by the late Creek Indian depredations, rejected sundry amendments, which were adopted. Mr Mays offered the following amendment, and that the Bank shall under the same rules and regulations and in the same proportion make a loan to the sufferers by the late fire in Montgomery. On motion of Mr Cottrell, the further consideration of the bill was postponed until to-morrow.

Message from the House of Representatives by Mr Garrett. Mr President: The House of Representatives has adopted the following resolutions:—*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on this day, (Friday the 25th instant,) at twelve o'clock noon, for the purpose of electing a President and six Directors for the Bank of the State of Alabama, and at seven o'clock P. M. on the same day, for the purpose of electing a President and six Directors for the Branch Bank at Mobile, and on Saturday the 26th instant, at seven o'clock P. M. for the purpose of electing a President and six Directors for the Branch Bank at Montgomery; in which the concurrence of the Senate is desired. The message was concurred in.

Mr Smith from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act to amend an act entitled an act on the subject of the public roads, approved, December 23, 1836, reported it inexpedient to pass the bill, which was concurred in.

Mr Terry presented the account of Joel White, which was referred to the committee on accounts and claims.

On motion of Mr Hudson the engrossed bill from the House of Representatives to be entitled an act for the benefit of the sixteenth sections of this State, was taken from the table and placed among the orders of the day.

Mr Lea from the committee on education to which was referred the engrossed bill from the House of Representatives to be entitled an act for the establishment and support of preparatory schools in the several counties in this State, reported that the objects contemplated in this bill are embraced in another bill which originated in the Senate and which they deem preferable and that therefore it is inexpedient to pass this bill. The report and bill were laid on the table.

Mr Lea from the committee on education to which was referred the engrossed bill to be entitled an act to promote the cause of education in the State of Alabama, reported the same with amendments, which were concurred in. Mr Riddle offered an amendment as an additional section, which was adopted. On motion of Mr Cottrell the further consideration of the bill was suspended to receive the following message from the House of Representatives by Mr Picham: Mr President, the House of Representatives concur in the amendments made by the Senate to the bills entitled, An act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides or where the contract was made and for other purposes: An act to change the name of certain persons therein named: An act to organize and establish separate courts of chancery, and An act fixing the salaries of the Secretary of State, State Treasurer, Comptroller of Public Accounts and Inspector and Adjutant General of the State. The House of Representatives disagree to the amendments made by the Senate to the bill entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census.

Message from the House of Representatives by Mr Garrett: Mr President, the House of Representatives has adopted the following resolution: *Resolved*, that the Senate be respectfully requested to return to this House the apportionment bill sent to them prematurely this morning. On motion of Mr Cottrell the Secretary was ordered forthwith to return the bill.

Message from the House of Representatives by Mr Garrett: I am directed by the House of Representatives to invite the Senate into the Hall of the House for the pur-

pose of electing a President and six Directors for the Bank of the State of Alabama.

The Senate then proceeded to the Hall of the House, were seated and Mr President announced the object of the convention of the two Houses.

The two Houses then proceeded to the election of a President of the Bank of the State of Alabama—Hardin Perkins and John Marrast being in nomination.

Those who voted for Mr Perkins, are messrs Dent Devereaux Fleming Hudson King Lea Lloyd McClain McVay Ross Rice Riddle Rogers Simmons Ward and Watrous of the Senate. Of the house messrs Speaker Abercrombie Address Baldwin Blassingame Burke Clifton of D. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of P. Kennedy Lindsey McAlpin of G. McClanahan of m. McClanahan of S. McConnel Meade Mills Mitchell Moore of mad. Moore of m. Murphy Neely Phillips Philpot Porter Priest Rutherford Simmons Tarver Weissinger Williams of r. Wright and Young.—61.

Those who voted for Mr Marrast, are messrs President Baylor Cottrell Frazier Hill Mays Terry Toulmin Wellborn and Wilson of the Senate. Of the house, messrs Bates Bolling Booth Boston Carmack Clifton of c. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hammond Hancock Harrison Henderson Holly Jones of B. Jones of c. Lipscomb Martin Mason McAllister McAlpin of m. McKnight McMillion Morris Morrow Payne Rogan Searcy Shields Shortridge Smith of D. Smith of S. Sommers Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Wilson Withers and Wynn.—56.

Mr Perkins having received a majority of the whole number of votes given, Mr Speaker declared him duly elected president of the Bank of the State of Alabama.

The two Houses then proceeded to the election of six directors of the Bank of the State of Alabama—R. Carathers, William Clare, L. Clarke, Major Cook, Thomas B. Childress J. H. Bearing, C. M. Foster, S. G. Frierson, J. Guild, J. Hogan, R. Jamison, J. Lacy, C. Lewin, John Owen, Thomas A. Smith, Joel White, and J. C. Wilson, being in nomination.

Those who voted for Mr Carathers are messrs Cottrell Dent Devereaux Fleming Frazier Hudson King Lea Lloyd Mays Rice Riddle Rogers Smith and Terry of the senate; messrs Address Baker Cook of L. Creagh Ellis Esselman Finley Garner Golding Hall Hammond Hancock Harrison High Holly Martin McAllister Morris Mills Moore of mad. Moore of m. Murphy Priest Rogan Rutherford Smith of D. Smith of m. Sommers Taylor of m. Vining Warren Williams of J. Wilson and Withers of the House of Representatives.—59.

Those who voted for Mr Clare are messrs Baylor Fleming Rogers Terry Toulmin and Wellborn of the Senate; messrs Bolling Booth Clifton of D. Crawford Esselman Garner Godbold Hall Hancock Harrison Holly Jones of B. Jones of c. Martin McAllister McAlpin of m. McConnel McKnight Mills Payne Phillips Philpot Porter Shields Tarver Williams of J. and Wright, of the House of Representatives.—31.

Those who voted for Mr Clarke are, messrs. Baylor Farrar Fleming Hill McVay Rice Smith and Watrous of the Senate; messrs. Speaker Boston Carmack Clifton of c. Douglass Golding Martin McClanahan of S. Morris Morrow Peters Searcy Shields Shortridge Smith of D. Smith of m. and Taylor of the house of Representatives.—26.

Those who voted for Mr Cook are messrs Frazier Hill King Lea Lloyd Ross Rogers Terry Ward and Wilson of the Senate; messrs Abercrombie Baker Blassingame Bolling Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Ellis Esselman Garner Godbold Hall Hampton Hancock Harrison Holly Jones of c. Jones of P. Kennedy Lipscomb Martin McClanahan of m. McClanahan of S. McKnight McMillion Morrow Moore of w. Murphy Neely Payne Phillips Philpot Searcy Shortridge Simmons Smith of D. Sommers Taylor of F. Taylor of m. Walker Warren Weissinger Wilson Wright and Wynn, of the House of Representatives.—63.

Those who voted for Mr Childress, are messrs. Cottrell Farrar Frazier McVay Rogers Terry Toulmin Watrous and Wilson of the Senate; messrs. Bolling Boston Crenshaw Godbold Hall High Hollis Jones of B. Mason McAllister McAlpin of m. McKnight Mills Payne Shields Taylor of F. Williams of J. and Wright of the House of Representatives.—29.

Those who voted for Mr Bearing are messrs. Baylor Farrar Toulmin Wellborn and Wilson of the Senate; messrs Baker Boston Carmack Cook of L. Crayton Douglass Godbold Golding Henderson Jones of c. Lipscomb Martin McAllister McAlpin of m. McClanahan of m. Morrow Murphey Payne Rogan Searcy Shields Shortridge Taylor of F. Withers and Wynn of the House of Representatives.—30.

Those who voted for Mr Foster are Mr Riddle of the Senate; messrs Crayton Ellis Kennedy Mitchell Neely and Peters of the House of Representatives.—7.

Those who voted for Mr Frierson, are messrs Baylor Devereaux Farrar Frazier Lloyd McVay Rogers Smith Terry Toulmin Ward Wellborn and Wilson of the senate; messrs Bolling Boston Carmack Clifton of c. Douglass Finley Godbold Golding Hall Hammond Hancock Harrison High Holly Jones of c. Lipscomb Mason McAllister McAlpin of m. McConnel McKnight McMillion Mills Morris Morrow Moore of mad. Murphey Payne Philpot Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Williams of J. Wilson Withers and Wynn of the House of Representatives.—60.

Those who voted for Mr Guild, are messrs President Cottrell Hill Mays Ross and Smith of the Senate; messrs Speaker Abercrombie Baldwin Bates Blassingame Carmack Crawford Creagh Crenshaw Douglass Garner Harrison Henderson High Hilliard Hogg Lipscomb Ma-



son McAlpin of G. McAlpin of m. McClanahan of s. McKnight Meade Mitchell Morris Morrow Moore of mad. Murphy Peters Porter Priest Rutherford Searcy Shortridge Smith of m. Tarver Taylor of m. Vining Walker Williams of T. Withers Wynn and Young of the House of Representatives—49.

Those who voted for mr Hogan, are messrs President Baylor Cottrell Dent Hill Hudson King Lloyd McClellan McVay Mays Rice Riddle Simmons Ward and Watrous of the Senate; messrs Speaker Abercrombie Andress Baldwin Baker Bates Booth Burke Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Earle Finley Garner Hammond Hampton Henderson Hilliard Jones of P. Kennedy McAllister McAlpin of G. McClanahan of m. McClanahan of s. McConnell McKnight Meade Mills Mitchell Morris Moore of mad. Moore of w. Nelly Peters Phillips Philpot Porter Priest Shortridge Sommers Tarver Taylor of m. Vining Walker Weissinger Williams of T. and Young of the House of Representatives—66.

Those who voted for mr Jamison are messrs President Cottrell Dent Devereaux Hudson King Lea McClellan Mays Ross Rice Simmons Smith Watrous and Wellborn of the Senate; messrs Speaker Abercrombie Andress Baldwin Bates Blassingame Bolling Booth Burke Clifton of D. Crawford Crayton Creagh Earle Ellis Esselman Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy McAlpin of G. Meade Mitchell Moore of mad. Moore of mar. Moore of w. Nelly Phillips Porter Simmons Tarver Walker Weissinger Williams of T. and Young of the House of Representatives—52.

Those who voted for mr Lacy are messrs President Dent Devereaux Farrar Hill Hudson King Lea Lloyd McClellan Ross Riddle Ward and Watrous of the Senate; messrs Andress Baker Bates Blassingame Burke Clifton of c. Crayton Earle Esselman Finley Golding Hammond Hampton Hogg Jones of P. Mason McAlpin of G. McClanahan of s. McConnell McMillon Meade Mitchell Morris Moore of mar. Moore of w. Nelly Peters Porter Priest Rogan Rutherford Simmons Smith of D. Sommers Vining Warren Weissinger Williams of T. Wilson and Young of the House of Representatives—54.

Those who voted for mr Lewis, are messrs Dent Devereaux Frazier Hudson Lloyd McClellan McVay Ross Rice Rogers Simmons Toulmin and Ward of the Senate; messrs Abercrombie Andress Blassingame Earle Hammond Hampton Henderson Hogg Hollis Holly Jones of c. Kennedy Lipscomb Mason McClanahan of m. McKnight Meade Mitchell Moore of mar. Phillips Priest Sommers Warren Weissinger Williams of T. Wright and Wynn of the House of Representatives—40.

Those who voted for mr Owen, are messrs King Lea McClellan McVay, Ross Rice Riddle Simmons Smith and Watrous of the Senate; messrs Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Burke Clifton of c. Clifton of D. Cook of L. Earle Ellis Esselman Finley Hampton Hancock Hogg Hilliard Jones of B. Jones of P. Kennedy McAlpin of G. McClanahan of s. McMillon Meade Moore of mad. Moore of mar. Moore of w. Nelly Peters Phillips Philpot Rogan Rutherford Smith of m. Tarver Vining Walker Weissinger Williams of J. Williams of T. Wilson Withers Wright and Young of the House of Representatives—36.

Those who voted for mr Smith are messrs King and Wellborn of the Senate; mr Hilliard of the House of Representatives—3.

Those who voted for mr White are messrs President Dent Devereaux Fleming Mays Riddle and Simmons of the Senate; messrs Speaker Andress Baldwin Bates Burke Clifton of D. Cook of L. Crawford Creagh Crenshaw Garner Hampton Henderson Hilliard Hollis Holly Jones of B. Jones of P. McAlpin of G. Moore of mar. Moore of w. Payne Porter Priest Rogan Tarver Walker Withers and Young of the House of Representatives—36.

Those who voted for mr Wilson are messrs President Baylor Cottrell Farrar Fleming Frazier Hill Hudson Lea Lloyd Mays Simmons Terry Toulmin Ward Wellborn and Wilson of the Senate; messrs Baldwin Booth Boston Carmack Clifton of c. Crenshaw Douglass Earle Ellis Finley Godbold Golding Hall Hammond Hancock Harrison Henderson High Hogg Hollis Jones of B. Jones of c. Lipscomb Martin McAllister McAlpin of m. McClanahan of m. McConnell McMillon Mills Morrow Murphy Philpot Rutherford Searcy Shields Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson and Wynn of the House of Representatives—65.

Messrs Cook, Frierson, Hogan, and Wilson having received a majority of the whole number of votes given, mr Speaker declared them duly elected directors of the Bank of the State of Alabama; neither of the others having received a majority of the whole number of votes given, the two houses proceeded to vote a second time for two directors. The names of messrs White, Smith, Childress, Foster, Clark, Clarke, Dearing, and Jamison having been withdrawn.

Those who voted for mr Caruthers are messrs Cottrell Dent Fleming Frazier McClellan Mays Rice Rogers Simmons Smith Terry and Wilson of the Senate; messrs Baker Booth Boston Carmack Clifton of c. Cook of L. Crawford Creagh Esselman Garner Godbold Golding

Hall Hammond Hancock Harrison Hogg Holly Kennedy Martin Mason McAllister McAlpin of m. McConnell McKnight Mills Morris Morrow Moore of mad. Murphy Payne Phillips Porter Rogan Searcy Shields Shortridge Smith of D. Smith of m. Taylor of m. Vining Warren Williams of J. Wilson Withers Wright and Wynn of the house of representatives.—51.

Those who voted for mr Guild are messrs President Fleming Hill McVay Mays Smith and Terry of the senate; messrs Abercrombie Baldwin Booth Boston Carmack Crawford Creagh Crenshaw Garner Godbold Golding Hall Hancock Harrison Henderson Hilliard Jones of c. Lipscomb Martin Mason McAllister McAlpin of m. McClanahan of s. Mills Morrow Peters Rutherford Searcy Shields Shortridge Smith of m. Tarver Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the house of Representatives.—48.

Those who voted for mr Lacy are messrs President Baylor Cottrell Dent Devereaux Farrar Hudson King Lea Lloyd Ross Riddle Ward and Watrous of the Senate; messrs Speaker Andrews Baldwin Bates Blassingame Bolling Burke Clifton of c. Clifton of D. Crayton Douglass Earle Ellis Esselman Hammond Hampton Hogg Hollis Jones of B. Jones of P. Kennedy McClanahan of m. McClanahan of s. McConnell McMillion Mitchell Morris Moore of mar. Moore of w. Murphy Peters Philpot Porter Priest Rogan Rutherford Simmons Smith of D. Sommers Weissinger and Young of the house of Representatives.—56.

Those who voted for mr Lewin are messrs. Devereaux Hudson Lloyd McVay Rogers Toulmin and Ward of the Senate—messrs. Andrews Douglass Henderson Hollis Hilliard Jones of C. McAlpin of G. McClanahan of M. Neely Priest and Taylor of F. of the House of Representatives.—18

Those who voted for mr Owen, are messrs. Frazier King Lea McClellan Ross Rice Riddle Simmons Watrous and Wellborn of the Senate—messrs. Speaker Abercrombie Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Crayton Crenshaw Earle Ellis Hampton Hilliard Jones of B. Jones of P. Lipscomb, McAlpin of G. McKnight McMillion Mitchell Moore of mad. Moore of mar. Moore of W. Neely Payne Phillips Philpot Simmons Sommers Tarver Weissinger Williams of T. Wright and Young of the House of Representative.—46.

Mr Caruthers having received a majority of the whole number of votes given, mr Speaker declared him duly elected a Director of the Bank of the State of Alabama. Neither of the others having received a majority of the whole number of votes given, the two Houses proceeded to vote the third time—the name of mr Lewin being withdrawn.

Those who voted for mr Guild, are messrs. President Fleming Hill McVay Mays Smith Terry Toulmin Wellborn and Wilson of the Senate.—messrs Abercrombie Booth Boston Carmack Clifton of C. Crawford Creagh Crenshaw Douglass Godbold Hall Hampton Hancock Harrison Henderson High Jones of C. Lipscomb Martin Mason McAllister McAlpin of m. Mills Morrow Payne Searcy Shields Shortridge Smith of m. Taylor of F. Taylor of m. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—48.

Those who voted for mr Lacy, are messrs Baylor Dent Devereaux Farrar Hudson Lloyd Ross and Ward of the Senate.—messrs. Andrews Baldwin Crayton Earle Esselman Garner Golding Hammond Hogg Holly Kennedy McClanahan of m. McClanahan of s. McConnell McKnight McMillion Mitchell Morris Moore of mar. Murphy Peters Priest Rogan Rutherford Simmons Smith of D. Sommers and Weissinger of the House of Representatives.—33.

Those who voted for mr Owen, are messrs. Frazier King Lea Rice Riddle Rogers Simmons and Watrous of the Senate.—messrs Speaker Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Cook of L. Ellis Hilliard Jones of P. McAlpin of G. Moore of mad. Moore of W. Neely Phillips Philpot Tarver Walker Wright and Young of the House of Representatives.—29.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fourth time.

Those who voted for mr Guild, are messrs President Fleming Frazier Hill McVay Mays Rogers Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate.—messrs Speaker Abercrombie Booth Boston Carmack Clifton of C. Cook of L. Creagh Crenshaw Douglass Golding Hall Hancock Harrison Henderson High Hilliard Hollis

Holly Jones of C. Lipscomb Martin Mason McAllister McAlpin of M. McKnight Mills Morrow Moore of mad. Payne Searcy Shields Shortridge Smith of M. Taylor of F. Taylor of M. Vining Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—56.

Those who voted for Mr Lacy, are messrs Baylor Dent Devereaux Farrar Hudson King Lea Lloyd Ross Riddle and Ward of the Senate.—messrs Andress Baldwin Bates Blassingame Bolling Burke Clinton of D. Crayton Earle Esselman Garner Hammond Hogg Kennedy McClanahan of M. McClanahan of S. McConnell McMillion Mitchell Morris Moore of mar. Moore of W. Murphy Peters Phillips Priest Rogan Rutherford Simmons Smith of D. Soinners Warren and Weissinger of the House of Representatives.—14.

Those who voted for Mr Owen, are Mr Rice of the Senate.—messrs. Baker Ellis Hampton Jones of B. McAlpin of G. Neely Philpot Tarver Walker Withers and Young of the House of Representatives.—12.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fifth time the name of Mr Owen having been withdrawn.

Those who voted for Mr Guild are messrs. President Fleming Frazier Hill McVay Price Rice Rogers Simmons Smith Terry Tooham Welborn and Wilson of the Senate. messrs. Speaker Abernethy Booth Boston Carmark Clinton of C. Clough Crenshaw Douglass Godbold Golding Hall Hancock Harrison Henderson High Hulliard Hollis Holly Jones of C. Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of M. McKnight Mills Morrow Moore of mad. Payne Searcy Shields Shortridge Smith of M. Taylor of F. Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives.—58.

Those who voted for Mr Lacy, are messrs. Baylor Dent Devereaux Farrar Hudson King Lea Lloyd Ross Riddle and Ward of the Senate.—messrs. Andress Baldwin Baker Bates Blassingame Bolling Burke Clinton of D. Crayton Earle Ellis Esselman Garner Hammond Hampton Hogg Jones of P. Kennedy McClanahan of M. McClanahan of S. McConnell McMillion Mitchell Morris Moore of mar. Moore of W. Murphy Neely Peters Phillips Philpot Priest Rogan Rutherford Simmons Smith of D. Soinners Tarver Walker Weissinger Wright and Young.

Mr Guild having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a Director of the Bank of the State of Alabama.

The Senate then retired to the Senate Chamber.—Mr President resumed his seat—when on motion of Mr Dent, the Senate adjourned until half past six o'clock, P. M.

*Night Session.*—The Senate met pursuant to adjournment, and resumed the consideration of the engrossed bill to be entitled an act to promote the cause of education in the State of Alabama—when on motion of Mr Hudson, the further consideration of the bill was postponed until Monday next.

Message from the House of Representatives by Mr Phelan: Mr President, the House of Representatives has passed bills of the following titles which originated in the Senate: An act to compensate certain persons therein named, and has amended the same as therein shewn: An act to authorise and establish a third battalion in the seventy-third regiment, and has amended the same as therein shewn: An act to authorise the sheriff of Marion county to perform certain duties therein named: An act to authorise Mobile College to confer degrees and to exempt the property thereof from taxation: An act to incorporate the Marble Spring Academy in the county of Talladega: An act to incorporate the town of Lowndesborough in the county Lowndes: An act to allow additional compensation for taking the census of this State: An act to incorporate the Franklin Academy in the town of Sugsville. The House has also passed bills of the following titles which originated in the House, An act to incorporate the Mount Moriah Academy: An act to incorporate the Dadeville Female Academy: An act for the relief of Sarah Sallis: An act to change the time of holding the county court of Macon county: An act to repeal in part and amend the law on the subject of public roads so far as relates to the county of St. Clair: An act to amend the patrol law: An act to change

the name of a certain person therein named and for other purposes: An act to incorporate the Male Academy in the town of Livingston: An act to amend judicial proceedings at common law in regard to suits against co-partners: An act to incorporate the Girard manufacturing company: An act to authorise John Brandon and his associates to turnpike a certain road therein named: An act to authorise the sale of slaves in the town of Demopolis: An act to incorporate the Union Hotel Company: An act to authorise John Herndon to peddle in the county of Marshall: An act to incorporate the Bellefonte Academy in the county of Jackson: An act to incorporate the town of Warrenton: An act to alter and amend the charter of the city of Mobile: An act to change the time of convening the General Assembly: An act to alter and amend the seventh section of an act entitled an act to amend and consolidate the laws on the subject of the public roads, approved 23d December, 1836, so far as regards the county of Covington: An act for the support of paupers in the county of De Kalb: An act to appoint an additional surveyor for the county of Jackson: An act to divorce Mary H. Rutledge from her husband William P. Rutledge: An act to divorce Thomas B. Ballard from his wife Nancy Ballard; in which the concurrence of the Senate is requested.

The Senate concurred in the amendments of the House of Representatives to the engrossed bill, to be entitled an act to compensate certain persons therein named.

The Senate postponed the consideration of the engrossed bill to be entitled an act to authorize and establish a third battalion in the 73d Regiment of Alabama militia, until to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorise the Sheriff of Marion county to perform certain services therein named was read the first time, the constitutional rule dispensed with, was read the second time, and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate Mount Moriah Academy, was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Dadeville Female Academy, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Sarah Sallis was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to change the mode of holding the county courts in Macon county, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part and amend the law on the subject of public roads, so far as relates to the county of St. Clair, was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act to amend the same law, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of a certain person therein named, and for other purposes, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate a Male Academy in the town of Livingston, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend Judicial proceedings at common law, in regard to suits against copartners, was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Girard Manufacturing company, was read the first time and ordered to a second reading on to-morrow.



Engrossed bill from the House of Representatives to be entitled an act to authorise John Brandon and his associates to turnpike a certain road therein named, was read the first time. Mr Dent moved to postpone the farther consideration of the bill until the first of March next. On motion of Mr Hudson the further consideration of the bill was suspended to receive the following message from the House of Representatives, by Mr Garrett—Mr President: I am requested by the House of Representatives, to invite the Senate to assemble in the Hall of the House, for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama at Mobile—Thereupon, the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the convention of the two Houses. The two Houses then proceeded to the election of a President of the Branch Bank at Mobile, John B. Norris and Patrick O'Neal, being in nomination. For Mr Norris 75—for Mr O'Neal 40—for Mr Gaines 2.

Those who voted for Mr O'Neal are messrs. Dent Devereux Hudson King Lea Lloyd Rice Rogers and Ward, of the Senate. messrs. Abercrombie Baker Blassingame Burke Earle Ellis Esselman Garner Hampton Harrison Henderson Hogg Hollis Jones of B. Jones of P. Kennedy McAlpin of G. McMillon Meade Mitchell Moore of Mad. Moore of W. Murphy Neely Philpot Priest Searcy Walker Weissinger Wright and Young of the House of Representatives—40.

Those who voted for Mr Norris are messrs. President Baylor Cottrell Farrar Fleming Frazier Hill McClellan McVay Mays Ross Riddle Simmons Smith Terry Toulmin Welborn and Wilson of the Senate. messrs. Address Baldwin Bates Bolling Booth Boston Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hancock High Hubbard Holley Jones of C. Lindsay Lipscomb Martin Mason McAlister McAlpin of M. McClannahan of M. McConnel McKnight Mills Morris Morrow Moore of Mad. Payne Peters Phillips Rogan Shields Shortridge Simmons Smith of D. Smith of M. Sommers Williams of J. Wilson Withers and Young of the House of Representatives—75.

Messrs. Speaker and Williams of T. voted for George S. Gaines.

Mr. Norris having received a majority of the whole number of votes given, Mr Speaker declared him duly elected President of the Branch of the Bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of six Directors for said Bank. E. K. Hogan, D. D. Kent, C. Robinson, J. M. Sanford, D. White, P. Walker, R. Broadnax, H. C. Holmes, Thos. Harrison, C. S. Strother, William S. Scott, J. Bates, Jr. S. Mauldin, M. A. Lea and P. O'Neal being in nomination.

Those who voted for Mr Bates are messrs. Cottrell Dent Devereaux Fleming Hudson King Lea McClellan Mays Ross Rice Rogers Simmons Smith and Ward of the Senate. messrs. Speaker Abercrombie Address Baldwin Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Creagh Crenshaw Earle Esselman Garner Harrison Henderson Hubbard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsay McAlpin of G. McClannahan of S. McConnel Meade Mills Moore of Mad. Moore of Mar. Moore of W. Neely Phillips Priest Shortridge Tarver Walker Weissinger Withers Wright and Young of the House of Representatives—53.

Those who voted for Mr Broadnax are messrs. President Cottrell Dent Devereaux Fleming Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Ward Welborn and Wilson, of the Senate Messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Burke Clifton of C. Clifton of D. Crawford Crayton Earle Ellis Esselman Garner Henderson Hubbard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsay McAlpin of G. McClannahan of S. Meade Mitchell Morrow Moore of Mad. Moore of W. Murphy Neely Peters Priest Sommers Tarver Taylor of F. Walker Warren Weissinger Withers Wright and Young, of the House of Representatives—66.

Those who voted for Mr. Harrison, are messrs. Cottrell and Ross, of the Senate—messrs. Abercrombie Booth Cook of L. Hall Moore of Mad. and Withers of the House of Representatives—9.

Those who voted for Mr. Hogan are messrs President Baylor Fleming Frazier Mc-

Vay Smith Toulmin Ward Welbourn and Wilson of the Senate—messrs. Boston Carmack Creagh Douglass Godbold Hancock Harrison Holly Jones of C. Lipscomb Martin Mason McKnight Murphy Phillips Shortridge Smith of D. Taylor of M. Vining Warren and Wynn, of the House of Representatives—31.

Those who voted for Mr. Holmes are messrs. Farrar Lea Rice Riddle Smith and Ward of the Senate—messrs. Bolling Booth Burke Cook of L. Crawford Ellis Finley Godbold Hampton Harrison Hollis Holly Jones of C. McAllister McAlpin of M. McConnell McKnight McClellan Mills Moore of mar. Moore of W. Murphy Payne Phillips Searcy Shields Simmons Smith of D. Weissinger Williams of T. and Wilson of the House of Representatives—37.

Those who voted for Mr. Lea are messrs. Baylor Dent Devereaux Farrar Frazier King Lea McClellan Ross Rice Riddle Rogers Simmons Ward Welbourn and Wilson of the Senate—messrs. Speaker Abercrombie Baldwin Baker Blassingame Bolling Booth Burke Clifton of D. Crawford Crenshaw Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of P. Kennedy McAlpin of C. McConnell McClellan Mills Mitchell Moore of mar. Moore of W. Neely Peters Phillips Tarver Weissinger Wright and Young, of the House of Representatives—52.

Those who voted for Mr. Maullin are messrs. Dent Fleming Hill Hudson King Lloyd McClellan Ross Rogers Terry and Welbourn, of the Senate—messrs. Speaker Address Baker Bates Clifton of C. Crayton Ellis Esselman Finley Garner Golding Hall Hammond Hampton High Hollis Jones of P. Lindsay Martin Mason McAlpin of C. McClanahan of M. McConnell McKnight Meade Mills Mitchell Morris Morrow Moore of W. Moore of mar. Neely Payne Peters Philpot Priest Shields Smith of D. Smith of M. Sommers Taylor of M. Vining Walker Williams of J. Williams of T. Wilson and Young, of the House of Representatives—57.

Those who voted for Mr. O'Neal are messrs. Baylor Frazier Hudson Rogers Simmons and Ward, of the Senate—messrs. Speaker Baker Carmack Garner Golding Harrison Hampton Henderson Jones of B. Meade Priest Walker and Williams of T. of the House of Representatives—19.

Those who voted for Mr. Kane are messrs. President Baylor Farrar Frazier Hill Hudson King Lloyd McVay Mays Simmons Smith Terry Toulmin and Welbourn, of the Senate—messrs. Blassingame Booth Boston Clifton of C. Creagh Douglass Esselman Finley Godbold Hall Hammond Hancock Henderson High Hogg Holly Jones of B. Jones of C. Lipscomb Martin Mason McAllister McAlpin of M. McClanahan of M. McConnell McKnight McMillan Morris Morrow Murphy Payne Rogers Searcy Shields Simmons Smith of D. Smith of M. Sommers Taylor of M. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn, of the House of Representatives—59.

Those who voted for Mr. Robinson are messrs. Baylor Cottrell Hill McVay Mays Terry and Toulmin, of the Senate—messrs. Baldwin Booth Boston Carmack Cook of L. Douglass Golding Hall Hammond Hancock High Hogg Jones of C. Lipscomb Martin McAlpin of M. McClanahan of S. McClellan Morris Rogan Searcy Shields Shortridge Smith of D. Sommers Tarver Taylor of R. Vining Williams of J. Wilson Withers and Wynn, of the House of Representatives—40.

Those who voted for Mr. Sanford are messrs. President Baylor Hill McVay Smith Toulmin and Wilson, of the Senate—messrs. Baldwin Bolling Boston Clifton of D. Crawford Creagh Douglass Finley Godbold Hancock Kennedy Lipscomb McAlpin of M. McClanahan of M. Payne Peters Rogan Searcy Smith of M. Sommers Taylor of T. and Wynn, of the House of Representatives—29.

Those who voted for Mr. Scott are messrs. Dent Devereaux Farrar Frazier King Lea Lloyd McClellan Ross Rice Riddle Rogers and Simmons, of the Senate—messrs. Abercrombie Address Bates Blassingame Bolling Burke Clifton of C. Crenshaw Earle Ellis Esselman Golding Hammond Henderson Hilliard Holly Jones of B. Jones of P. Kennedy Lindsay Mason McAlpin of C. McClanahan of S. McConnell McMillan Meade Mitchell Morris Moore of mar. Moore of W. Neely Payne Peters Priest Rogan Short-



ridge simmons walker warren williams of G. williams of T. wright and Young of the House of Representatives—56.

Those who voted for Mr. Strother, are messrs. President Dent Devereaux Lea McClellan and Rice of the Senate—messrs. Abercrombie Address Baldwin Baker Bates Blassingame Bolling Burke Carnack Clifton of B. Cook of L. Crawford Crayton Crenshaw Earle Ellis Garner Hall Hampton Henderson High Hubbard Hogg Hollis Jones of P. Lindsay McAlpin of G. McClanahan of S. Meade Mills Mitchell Morrow Moore of mar. Moore of W. Murphy Nelly Phillips Philpot Priest Simmons Smith of M. Tarver Taylor of R. Taylor of M. Walker Weissinger Wright and Young, of the House of Representatives—54.

Those who voted for Mr. Walker, are messrs. Baylor Farrar Fleming Hill Lloyd Hays Middle Terry Touhman and Wilson, of the Senate—Messrs. Speaker Baker Booth Boston Carnack Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Finley Godbold Golling Hall Hammond Hampton Hancock Harrison High Holly Jones of B. Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of M. McClanahan of S. Mc Knight McMillan Mills Morris Morrow Moore of mar. Murphy Payne Phillips Philpot Rogan Scarcy Shields Shortridge Smith of B. Smith of M. Sommers Taylor of R. Taylor of M. Vining Warren Williams of J. Williams of R. Wilson Wright and Wynn, of the House of Representatives—65.

Those who voted for Mr. White, are messrs. President Cottrell Devereaux Farrar Fleming Frazier Hill King Lloyd McVay M. S. Rice Smith Terry Toulmin Wellborn and Wilson of the Senate—messrs. Address Boston Carnack Clifton of C. Clifton of N. Cook of L. Crayton Creagh Crenshaw Douglass Earle Finley Godbold Hammond Hancock Harrison High Hubbard Holly Jones of B. Jones of C. Kennedy Lipscomb Martin Mason McAlister McAlpin of M. McClanahan of S. McKnight Mitchell Morris Morrow Moore of mar. Payne Payne Phillips Philpot Rogan Scarcy Shields Shortridge Simmons Smith of M. Sommers Tarver Taylor of R. Taylor of M. Vining Warren Weissinger Williams of J. Wilson Withers and Wynn, of the House of Representatives—72.

[Messrs. Brodrick, Walker and White, having received a majority of the whole number of votes given, Mr. Speaker declared them duly elected Directors of the Branches of the Bank of the State of Alabama at Mobile. Neither of the others having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time—the names of messrs. Harrison and Stanford being withdrawn.]

Those who voted for Mr. Bates, are messrs. Cottrell Dent Devereaux Farrar Hays King McClellan Mays Ross Rice Rogers Simmons and Smith, of the Senate—messrs. Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Clifton of B. Crawford Crayton Creagh Crenshaw E. Schuman Garner Harrison Hubbard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsay McAlpin of G. McClanahan of S. Meade Mitchell Moore of mar. Moore of W. Phillips Priest Simmons Tarver Walker Weissinger Williams of R. Withers Wright and Young of the House of Representatives—54.

Those who voted for Mr. Hogan, are messrs. President Frazier Lloyd and Wilson, of the Senate—messrs. Creagh Douglass and Wynn, of the House of Representatives—7.

Those who voted for Mr. Holmes, are Mr. Toulmin of the Senate—messrs. Golling and McAlister, of the House of Representatives—3.

Those who voted for Mr. Lea, are messrs. Baylor Dent Devereaux Farrar Frazier King Lea Ross Simmons Wellborn and Wilson, of the Senate—messrs. Speaker Abercrombie Baldwin Baker Blassingame Bolling Booth Burke Clifton of B. Cook of L. Crawford Crenshaw Earle Ellis Esselman Garner High Hogg Hollis Jones of B. Kennedy McAlister McAlpin of G. Meade Mills Mitchell Morris Moore of W. Nelly Payne Phillips Tarver Weissinger Wright and Young, of the House of Representatives—46.

Those who voted for Mr. Mauldin, are messrs. Fleming Hill Hudson Lloyd McClellan Ross Rice Rogers Terry Wellborn and Wilson, of the Senate—messrs. Speaker An-

dress Baker Bates Boston Carmack Clifton of c. Douglass Finley Golding Hammond Hampton Hancock Harrison High Holly Jones of c. Jones of P. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McConnell McKnight McMillon Mills Mitchell Morris Morrow Moore of mar. Moore of mar. Murphy Payne Philpot Priest Rogan Searcy Shields Smith of D. Smith of m. Sommers Taylor of r. Taylor of m. Vining Walker Warren Weissinger Williams of J. Williams of T. Wilson Wynn and Young, of the House of Representatives—61.

Those who voted for Mr. Kane, are messrs. President Baylor Cottrell Farrar Frazier Hill Mays Rogers Simmons Smith Terry Toldman and Welborn, of the Senate—messrs. Blassingame Booth Boston Clifton of c. Creagh Douglass Finley Godbold Golding Hampton Hancock Harrison Henderson High Holly Jones of B. Jones of c. Lipscomb Martin Mason McAlister McAlpin of m. McClanahan of m. McConnell McKnight McMillon Morrow Moore of mar. Murphy Payne Peters Philpot Rogan Searcy Shields Sommers Simmons Smith of D. Smith of m. Sommers Taylor of T. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers and Wynn, of the House of Representatives—61.

Those who voted for Mr. Robinson are messrs. Cottrell Fleming Hill McVay Mays Terry and Toldman, of the Senate—messrs. Boston Carmack Cook of L. Finley Golding Hall Hancock Holly Jones of C. Lipscomb Mason McAlpin of m. McKnight Morris Searcy Smith of D. Sommers Taylor of m. and Withers of the House of Representatives—26.

Those who voted for Mr. Scott are messrs. Farrar Hudson King Lea Lloyd McClellan McVay and Ross, of the Senate—messrs. Abercrombie Burke Chron of C. Earle Ellis Godbold Hammond Hampton Henderson Hilliard Jones of P. Kennedy Lindsay McClanahan of S. McConnell McMillon Meade Moore of mar. Neely Peters Priest Rogan Shortridge Tarver Vining Warren Williams of J. and Wright, of the House of Representatives—35.

Those who voted for Mr. Strother are messrs. President Dent Devereaux and Lea, of the Senate—messrs. Carmack Clifton of D. Cook of L. Crawford Crayton Crenshaw Earle Ellis Esselman Garner Hampton Henderson Hilliard Hogg Hollis Lindsay Martin McAlpin of G. McClanahan of m. McClanahan of S. Morrow Moore of W. Murphy Neely Peters Phillips Philpot Priest Shields Shortridge Simmons Smith of m. Taylor of F. and Wilson, of the House of Representatives—13.

Messrs. Mauldin and Kane having received a majority of the whole number of votes given, Mr. Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Mobile. Neither of the others, having received a majority of the whole number of votes given. The two Houses proceeded to vote the third time for one Director of said Branch Bank. The names of messrs. Hogan, Holmes, Scott and Bates, having been withdrawn.

Those who voted for Mr. Lea are messrs. Farrar Frazier King Lea Ross Welborn and Wilson, of the Senate—messrs. Speaker Abercrombie Baldwin Baker Bates Blassingame Bolling Crawford Earle Esselman Garner Hilliard Hogg Jones of B. Jones of P. Kennedy Lindsay McAlister McAlpin of G. McClanahan of S. McConnell Meade Mills Mitchell Neely Tarver Walker Weissinger Williams of T. Wright and Young, of the House of Representatives—28.

Those who voted for Mr. Robinson are messrs. Baylor Lloyd McVay Mays Simmons Smith Terry and Toldman, of the Senate—messrs. Boston Carmack Clifton of C. Cook of L. Creagh Douglass Finley Godbold Golding Hall Hampton Hancock Harrison Holly Jones of C. Lipscomb Martin Mason McAlpin of m. McClanahan of m. McKnight McMillon Morris Morrow Moore of mar. Murphy Payne Philpot Rogan Searcy Shields Shortridge Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Vining Warren Williams of J. Wilson Withers and Wynn, of the House of Representatives—51.

Those who voted for Mr. Strother are messrs. President Dent Devereaux and Rogers, of the Senate—messrs. Andress Burke Crayton Ellis Hampton Henderson High Moore of mar. Moore of W. Peters Phillips Priest and Simmons, of the House of Representatives—16.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote the fourth time. The name of Mr. Strother having been withdrawn.

Those who voted for Mr. Lea are messrs. President Dent Hudson King Lea Ross Rogers Welborn and Wilson, of the Senate—messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Earle Ellis Esselman Garner Hampton Hilliard Hogg Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. McClanahan of S. McConnell Mills Mitchell Moore of mar. Moore of W. Neely Payne Peters Phillips Priest Simmons Tarver Walker Weissinger Williams of T. Wright and Young, of the House of Representatives—52.

Those who voted for Mr. Robinson are messrs. Baylor Fleming Lloyd McVay Mays Simmons and

Terry and Toulmin, of the Senate—messrs Boston Carmack Clifton of C. Cook of L. Creagh Douglas Finley Godbold Gilling Hall Hammond Hancock Harrison Holly Jones of C. Lister and Martin Mason McAlpin of M. McClanahan of M. McKnight and Milton Morris Morrow Moore of and. Murphy Philip Rogers Sharkey Shields Spackridge Smith of D. Smith of M. Samplers Taylor of H. Taylor of H. Vining Warren Williams of J. Wilson Withers and Wynn, of the House of Representatives—51.

Mr Lea having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a Director of the Branch of the Bank of the State of Alabama at Mobile.

The Senate then retired to the Senate Chamber—Mr President resumed his seat, and on motion of Mr Hudson, the Senate adjourned until tomorrow morning 10 o'clock.

*Saturday, January 28.*—The Senate met pursuant to adjournment.

Mr Riddle from the committee on the Judiciary to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Shelby Mining and Manufacturing company reported it back to the Senate without amendment. On motion of Mr Hudson, the bill and report was laid on the table.

Mr Cottrell from the committee on the Judiciary to which was referred the engrossed bill to be entitled an act to repeal in part the charter of the Turnpike road from Wetumpka to Selma, reported the same back to the Senate as inexpedient to legislate thereon. The report and bill were laid on the table.

Mr Terry from the select committee to which was referred a bill to be entitled an act to provide for the removal of the Branch of the Bank of the State of Alabama, at Decatur to the town of \_\_\_\_\_ in the county of \_\_\_\_\_ reported the same with sundry amendments.

Mr Hudson moved to postpone the further consideration of the bill until Tuesday next, which was lost. Mr McClellan moved to amend the amendment by striking out "Gainesville" and inserting "Talladega." The yeas and nays were called for—yeas 14, nays 13. The yeas were messrs. President Baylor Cottrell Devereaux Farrar Fleming Frazier Hudson Lloyd McClellan Ross Rice Simmons and Ward. The nays were messrs. Dent Hill McVay Mays Riddle Rogers Smith Terry Toulmin Watrous Wellborn and Wilson. The amendment was then adopted. Mr Watrous moved to strike out "Selma" and insert "Wetumpka." Mr Terry moved to postpone the further consideration of the bill until the first Monday in March next. The yeas and nays were called for—yeas 9, nays 10. The yeas were messrs. Fleming Frazier Hill Hudson Lloyd Ross Rice Rogers and Terry. The nays were messrs. President Baylor Cottrell Dent Devereaux Farrar King Lea McClellan McVay Mays Riddle Simmons Smith Toulmin Ward Watrous Wellborn and Wilson. The motion to postpone was lost. The question was put on Mr Watrous' amendment to strike out Selma, which was lost. Mr Cottrell moved to reconsider the vote on striking out Gainesville and inserting Talladega, which was carried. Mr McClellan offered the following amendment: after the word "Barbours" insert "and an office of Discount and Deposit at Talladega in the county of Talladega." The yeas and nays were called for—yeas 24, nays 3. The yeas were messrs. President Baylor Cottrell Dent Farrar Fleming Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Riddle Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson. The nays were messrs. Fleming Rice and Rogers. The amendment was adopted. Mr Lea offered the following amendment to come in after the word "Talladega" "and also an office of Discount and Deposit at the town of Marion, in Perry county." Mr Mays moved to lay the amendment on the table. The yeas and nays were called for—yeas 16, nays 11. The yeas were messrs. President Baylor Cottrell Dent Farrar Fleming King McClellan McVay Mays Riddle Simmons Smith Ward Wellborn and Wilson. The nays were messrs. Frazier Hill Hudson Lea Lloyd Ross Rice Rogers Terry Toulmin and Watrous. The amendment was laid on the table. Mr Terry offered the following amendment: "and also an office of Discount and Deposit or Branch Bank as the case may be, at Hicks' Store on Nubbin Ridge in Limestone county with five hundred thousand dollars." The yeas and nays were called for: yeas 16, nays 9. The yeas were messrs. President Baylor Cottrell Dent Farrar Hill King Lea McClellan McVay Mays Riddle Simmons Smith Wellborn and Wilson. The nays were



messrs Frazier Hudson Lloyd Ross Rice Rogers Terry Toulmin and Watrous. The amendment was laid on the table.

Mr Terry called for the previous question. The yeas and nays were called for, yeas 9 nays 17. The Yeas were Messrs Baylor Frazier Hill Hudson Lea Lloyd Rice Rogers and Terry. The nays were Messrs President Cottrell Dent Farrar Fleming King McClellan McVay Mays Ross Riddle Simmons Smith Toulmin Watrous Wellborn and Wilson. The Senate refused to sustain the call—Mr Terry moved that the Senate adjourn and 10 o'clock Monday morning; the yeas and nays were called for; yeas 2 nays 24; The yeas were Messrs Ross and Terry; The nays were Messrs President Baylor Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Res Riddle Rogers Simmons Smith Toulmin Watrous Wellborn and Wilson---motion lost. On motion of Mr Hudson the Senate adjourned until half past 3 o'clock.

*Reading Session.*—The Senate met pursuant to adjournment and resumed the consideration of the bill to be entitled an act to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur, to the town of \_\_\_\_\_ in the county of \_\_\_\_\_. The yeas and nays were called for on the adoption of the amendments of the committee, yeas 16, nays 12.

The yeas were messrs. President Cottrell Dent Devereaux Farrar Flemming King McClellan McVay Mays Riddle Simmons Smith Ward Wellborn and Wilson.

The nays were messrs. Baylor Frazier Hill Hudson Lea Lloyd Ross Rice Rogers Terry Toulmin and Watrous. The amendments were adopted.

Mr Terry offered the following amendment and also an agency at the town of Chaswell in Marshall county, of five hundred thousand dollars.' Mr Wellborn called for the previous question. The yeas and nays were called for, yeas 14, nay 14.

The yeas were messrs. President Cottrell Dent Devereaux King Lea McClellan McVay Mays Simmons Smith Ward Wellborn and Wilson.

The nays were messrs Baylor Farrar Fleming Frazier Hill Hudson Lloyd Ross Res Riddle Rogers Terry Toulmin and Watrous.

The call was not sustained—the question then recurred on Mr Terry's amendment which was lost. Mr Frazier offered the following amendment as an additional section. Section— and be it further enacted, that an agency or office shall be established at \_\_\_\_\_ in the county of Jackson, for the purpose of making settlement, closing and making up the business of the citizens of Jackson county with the Branch Bank at Decatur.' The yeas and nays were called for, yeas 11, nays 16.

The yeas were messrs. Baylor Fleming Frazier Hudson Lea Lloyd Ross Rice Rogers Terry and Wellborn. The nays were messrs. President Cottrell Dent Devereaux Farrar King McClellan McVay Mays Riddle Simmons Smith Toulmin Ward Wellborn and Wilson. Amendment lost.

The yeas and nays were called for on ordering the bill to be engrossed for a third reading, yeas 15, nays 13.

The yeas were messrs President Cottrell Devereaux Farrar King McClellan McVay Mays Riddle Simmons Smith Toulmin Ward Wellborn and Wilson.

The nays were messrs Baylor Dent Fleming Frazier Hill Hudson Lea Lloyd Ross Rice Rogers Terry and Watrous.

And the bill was ordered to be engrossed for a third reading on Monday next.

Mr Lea from the committee on education to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Medical Society of South Alabama, reported the same with the following amendments; strike out all from the word 'convene' in the second line first section to the word 'hereby,' to the third line, and insert the following. 'That Edward Grant, Josephus D. Echols, P. Walter Herbert, E. G. Ulmer, T. B. Gehaghen Robert Mills, Leaman Deas, Nicholas Childers, Francis M. Phillips and their associates, be, and they are,' in fifth line, fourth section strike out the word 'enure,' at the end of the fourth section add 'and which are consistent with and necessary to promote the objects of this act,' which was concurred in and the bill ordered to a third reading on Monday next.

Mr Smith from the committee on roads, bridges and ferries to which was referred a bill to be entitled an act to authorize Thomas Davis to erect a toll bridge across the

Oakmulgee creek at or near the point called Greer's bridge on the line between the counties of Perry and Dallas, reported the same back without amendment and recommended its passage, which was concurred in and the bill ordered to be engrossed for a third reading on Monday next.

Mr Toulmin from the select committee to which was referred a bill to be entitled an act to amend an act entitled an act to establish a board of commissioners to improve the navigation of the Tombigbee river and for other purposes, reported the same with the following amendments, strike out all of the fourth section after the word 'agents' in the fourth line, which was concurred in and the bill ordered to be engrossed for a third reading on Monday next.

Mr Lea introduced a bill to be entitled an act concerning deeds, which was read the first time, the constitutional rule dispensed with was read the second time and referred to the committee on the judiciary.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, to wit: An act to authorise the court of commissioners of revenue and roads in the county of Benton to levy a special tax and for other purposes: An act to incorporate the Carthage male and female Academy: An act to repeal so much of an act approved, December 23, 1837, as authorises and requires the Governor to appoint three commissioners to examine the State Bank and its Branches: An act to provide for the payment of the interest of the State bonds by the State Bank and the several Branches: An act to change the time of holding the county court of the county of Benton: An act to change the time of holding the commissioners court of roads and revenue for the county of Bibb: Joint resolutions proposing to take the sense of the people of this State on the subject of calling a convention: An act to organise and establish separate courts of chancery, and An act to establish a State prison and penitentiary.

Mr McClellan moved to add messrs. Ross and Madison to the committee on enrolled bills, which was carried.

Message from His Excellency the Governor, by Mr Gooch: Mr President, His Excellency the Governor on yesterday the 24th instant, approved and signed bills from the Senate of the following titles, to wit: An act to give a specific name to a literary Institution near Marion in the county of Perry: An act to authorise the Sheriff of Blount county to serve process issued by justices of the peace for said county: An act for the relief of William Smith of Madison county: An act to prevent surprise and injury to defendants in execution: An act to amend an act entitled an act to incorporate the city of Montgomery, approved, December 23, 1837, also, Joint resolutions of the Senate and House of Representatives in relation to the boundary line between the State of Alabama and the State of Georgia.

Mr Rogers introduced a bill to be entitled an act concerning the corporation of the town of Moulton in the county of Lawrence, which was read the first time, the constitutional rule dispensed with, was read the second time, and ordered to be engrossed for a third reading on Monday next.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Mobile Manufacturing Company, which was read the first time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Frazier called from the table the engrossed bill from the House of Representatives to be entitled an act to legalize the acts of Moses H. Hughes, as Sheriff of Cherokee County, and the report of the committee was concurred in.

Mr King offered the following resolution: Resolved, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn sine die on the 23 day of February next. Mr. Terry moved to suspend the resolution until the first Monday in August next. The yeas and nays were called for—yeas 3, nays 24.

The yeas were messrs. Fleming, Terry and Wilson.

The yeas were Messrs President Baylor Cottrell Dent Devereaux Farrar Frazier Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Toulmin Ward Watrous and Wellborn.

The motion to postpone was lost. Mr. Dent moved to postpone the resolution till the 1st day of February. The yeas and nays were called for—yeas 23, nays 13.

The yeas were Messrs. President Baylor Dent Devereaux Fleming Hudson McVay Ross Simmons Terry Watrous Wellborn and Wilson.

The nays were Messrs Cottrell Farrar Frazier King Lea Lloyd McClellan Mays Rice Riddle Rogers Smith Toulmin and Ward.

The motion was lost, and the resolution adopted.

Engrossed bill from the House of Representatives to be entitled an act to authorize the sale of slaves in the town of Demopolis, was read the first time and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Union Hotel Company, was read the first time, and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to authorize James Herndon to peddle in the county of Marshall, was read the first time, and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Bellefonte Academy in the county of Jackson, was read the first time, the constitutional rule dispensed with, was read a second time, and the following amendment was adopted by the Senate striking out the words "and have and hold real estate and other property in perpetuity," where it occurs the second time in the latter part of the bill. The bill was then read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Warrenton, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend the charter of the city of Mobile, was read the first time, and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives entitled an act to change the time convening the General Assembly, was read the first time. Mr. Dent moved to postpone the bill until the first Monday in March next. The yeas and nays were called for—yeas 13, nays 11.

The yeas were Messrs. Baylor Dent Fleming Hudson Lea Lloyd McClellan Mays Ross Rice Riddle Terry and Watrous.

The nays were Messrs. President Cottrell Devereaux Farrar Frazier King McVay Rogers Simmons Smith Toulmin Ward Wellborn and Wilson.

The motion to postpone was lost, and the bill ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend the 1st section of an act to be entitled an act to amend and consolidate the laws on the subject of public roads; approved on the 23d December, 1836, so far as regards the County of Covington, was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on Roads, Bridges and Ferries.

Engrossed bill from the House of Representatives, to be entitled an act for the support of paupers for the county of De Kalb, was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives, to be entitled an act to appoint an additional surveyor for the county of Jackson, was read the first time, the constitutional rule dispensed with, was read a second time; the rule further dispensed with, was read a third time and passed the Senate: Ordered to be entitled as above.



Engrossed bill from the House of Representatives, to be entitled an act to divorce Thomas B. Ballard from his wife, Nancy Ballard, was read the first time, and ordered to a second reading on Monday next.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Mary H. Rutledge from her husband, William P. Rutledge, was read the first time, and ordered to a second reading on Monday next.

Message from the House of Representatives by Mr. Parker: Mr. President, the House of Representatives disagreed to the amendment made by the Senate to their bill, entitled an act to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial districts according to the late census.

Mr. Cottrell moved to adhere to the amendments of the Senate. The yeas and nays were called for—yeas 16, nays 12.

The yeas were messrs. President Baylor, Cottrell, Farrar, Frazier, Hill, Lloyd, McClellan, McVay, Mays, Rice, Simmons, Terry, Toulmin, Watrous and Wilson.

The nays were messrs. Dent, Devereaux, Fleming, Hudson, King, Lea, Ross, Riddle, Rogers, Smith, Ward and Wellborn.

The amendments were affirmed to, and Mr. President appointed messrs. Cottrell, Mays and McClellan a committee of conference, to confer with such committee as may be appointed on the part of the House of Representatives.

Mr. Wellborn offered the account of William Angler, which was referred to the committee on Indian expenditures.

Mr. Lea, from the committee on Internal Improvement and Inland Navigation, to which was referred a bill to be entitled an act to incorporate the Mobile and Spring Hill Rail Road Company, reported the same back to the Senate with the following amendment—add to the end of the last clause, "not exceeding one hundred and fifty thousand dollars," which was concurred in, and the bill ordered to be engrossed for third reading on Monday next.

On motion, the Senate adjourned to half past 7 o'clock.

*Night Session.*—The Senate next proceeded to adjournment.

Mr. Cottrell moved a call of the Senate; when the following Senators answered to their names: Messrs. President, Cottrell, Dent, Devereaux, Fleming, Frazier, Hill, Hudson, McClellan, Ross and Rogers.

Message from the Governor, by Mr. Groth. Mr. President: His Excellency the Governor on this day approved and signed a bill from the Senate, entitled an act to incorporate the town of Aberfeld, in the county of Marion; and on the same day a joint preamble and resolutions of the General Assembly of the State of Alabama responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the General Government; also, a joint memorial requesting Congress to cede to the State of Alabama the Mascot Steals capital.

Engrossed bill from the House of Representatives, to be entitled an act to authorize John Brandon and his associates to turnpike a certain road therein named—which was read the first time. The yeas and nays were called for on Mr. Dent's motion to postpone the further consideration of the bill until the first Monday in March next—yeas 15, nays 9.

The yeas were messrs. President Cottrell, Dent, Devereaux, Farrar, Hill, Hudson, McClellan, McVay, Riddle, Rogers, Simmons, Terry, Wellborn and Wilson.

The nays were messrs. Baylor, Fleming, Frazier, King, Lea, Ross, Rice, Smith and Ward.

The motion to postpone prevailed.

The bill to be entitled an act for the relief of the sufferers by the late Creek Indian depredations. Mr. Dent moved to postpone the further consideration of the bill until Monday next. The yeas and nays were called for—yeas 11, nays 15.

The yeas were messrs. President Dent, Frazier, Hill, Lloyd, McClellan, Riddle, Rogers, Simmons, Ward and Wilson.

The nays were messrs. Baylor, Cottrell, Devereaux, Fleming, Hudson, King, Lea, McVay, Ross, Rice, Smith, Terry, Toulmin, Watrous and Wellborn.

The motion to postpone was lost. Mr. Mays offered the following amendment: "and

that said Bank shall, under the same rules and regulations, and in the same proportion, make a loan to the sufferers by the late fire at Montgomery; which was lost, and the consideration of the bill suspended to receive the following message from the House of Representatives, by Mr. Garrett: Mr President, I am directed by the House of Representatives to invite the Senate into the hall of the House, for the purpose of going into the election of a President and six Directors of the Branch of the Bank of the State of Alabama at Montgomery; whereupon the Senate repaired to the hall of the House, were seated, and Mr. President announced the object of the convention of the two houses. The two houses then proceeded to the election of a President for the Branch Bank at Montgomery—John Martin alone being in nomination—For Mr. Martin, 113.

Those who voted for Mr. Martin are messrs. President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of C. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Garner Goddard Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Holly Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of S. McConnell McKnight McMillan Meade Mills Mitchell Morris Morrow Moore of mad. Moore of mar. Moore of w. Murphy Payne Peters Philpot Priest Rogan Searcy Shortridge Simmons Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young.

Mr. Martin having received the whole number of votes given, Mr. Speaker declared him duly elected president of the Branch of the Bank of the State of Alabama at Montgomery.

The two houses then proceeded to the election of six directors for the Branch of the Bank of the State of Alabama at Montgomery—W. Allen, S. Amies, B. W. Bell, T. Brevard, Wm. J. Campbell, R. E. Cox, Wm. J. Couch, B. Hill, A. H. Lewis, C. S. Lucas, E. Mann, Wm. McGill, S. A. McMeans, G. M. Newman, J. W. Pierce, being in nomination.

Those who voted for Mr. Allen are messrs. Fleming Hill Hudson McVay Mays Rogers Smith Terry Toulmin of the Senate—messrs. Boston Carmack Clifton of C. Cook of L. Douglass Hammond Jones of C. McAllister McClannahan of m. McKnight McMillan Mitchell Murphy Shortridge Simmons Smith of D. Taylor of m. Vining Warren and Wynn of the House of Representatives—29.

Those who voted for Mr. Amies, are messrs. King Lloyd Ross Rice Riddle Simmons and Watrous of the Senate—messrs. Abercrombie Baldwin Bates Clifton of D. Crayton Creagh Harrison Hilliard McAlpin G. McAlpin of m. S. McKnight McMillan Mills Mitchell Moore of w. Payne Peters Priest Rogan Searcy Vining and Young, of the House of Representatives—39.

Those who voted for Mr. Bell, are messrs. President Dent Devereaux Fleming Hudson Lea McClellan Mays Ross Rice Simmons and Watrous, of the Senate.—messrs. Speaker Abercrombie Andress Baldwin Baker Bates Blassingame Bolling Burke Clifton of D. Crawford Crayton Creagh Crenshaw Ellis Garner Garner Hampton Harrison Henderson Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy Lindsay McAlpin of G. McClannahan of m. McConnell Meade Mitchell Morrow Moore of mar. Moore of w. Payne Phillips Philpot Priest Rogan Simmons Smith of D. Tarver Walker Warren Williams of T. Withers Wright and Young, of the House of Representatives—63.

Those who voted for Mr. Brevard, are messrs. President Baylor Cottrell Dent Farrar Fleming Frazier Hill Hudson King Lloyd McClellan McVay Mays Rice Riddle Simmons Smith Terry Toulmin Ward Wellborn and Wilson, of the Senate.—messrs. Speaker Baldwin Bates Blassingame Bolling Boston Carmack Clifton of C. Clifton of D. Cook of L. Crawford Douglass Garner Golding Hall Hancock Harrison High Hilliard Hogg Jones of B. Jones of C. Jones of P. Kennedy Lindsay Lipscomb Martin McAlpin of G. McAlpin of m. McClannahan of m. McMillan Mitchell Morris Moore of mad. Moore of w. Payne Phillips Rogan Searcy Simmons Smith of m. Sommers Tarver Taylor of m. Vining Williams of T. Wilson Withers and Young, of the House of Representatives—72.

Those who voted for Mr. Campbell are messrs. Baylor Dent Devereaux Frazier Hill King Lloyd McClellan Ross Rogers Simmons Smith Ward Watrous and Wilson, of the Senate. messrs. Andress Burke Clifton of C. Clifton of D. Cook of L. Crawford Douglass Garner Golding Hall Hammond Hancock Henderson High Holly Jones of C. Lipscomb Martin Mays McAlpin of m. McClannahan of S. Meade Morris Murphy Peters Priest Simmons Smith of D. Smith of m. Sommers Taylor of F. Williams of J. Wilson Withers and Wynn, of the House of Representatives—16.

Those who voted for Mr. Couch, are messrs. Dent Farrar McVay Riddle Rogers Ward Watrous Wellborn and Wilson, of the Senate.—messrs. Blassingame Booth Burke Crawford Douglass Earle Ellis Esselman Garner Goddard Golding Henderson High Holly Lindsay Martin Mason McAllister McClannahan of m. McConnell McKnight Mills Morris Morrow Murphy Payne Rogan Searcy Simmons Taylor of F. Walker Warren Williams of T. and Wright, of the House of Representatives—43.

Those who voted for Mr. Cox, are messrs Dent Farrar Hill King Lloyd Rice Toulmin Watrous, of the Senate. messrs Booth Carmack Crenshaw Godbold Hancock Holly Lipscomb Martin Alpin of Mr. McKnight Meade Morris Morrow Peters Phillips Shortridge Taylor of F. and Wynn of the House of Representatives—27.

Those who voted for Mr. Hall, are messrs Cottrell D. Vereaux Fleming Hudson Lea Mc Clellan Ross and Simmons, of the Senate. messrs Speaker Abercrombie Andrews Baldwin Baker Bates Belling Boston Burke Clifton of C. Cook of L. Crawford Clayton Crenshaw Earle Esselman Garner Golding Hall Hammond Hampton Henderson Hilliard Holt Jones of P. Lindsey Lipscomb Mason McAllister McAlpin of G. Mc Clannahan of Mr. McCune Meade Moore of mad. Moore of mar. Murphy of W. Murphy Peters Phillips Philip Smith of Mr. Tarver Taylor of Mr. Walker Weissinger Williams of J. Williams of T. Withers Wright and Young, of the House of Representatives—61.

Those who voted for Mr. Lewis, are messrs President Baylor Hill King Maye Rogers Smith Terry Watrous and Withers, of the Senate. messrs Baker Booth Boston Clifton of C. Clifton of D. Clifton Douglas Earle E. G. Gold Hall Hammond Hancock Harrison High H. B. Jones of B. Jones of P. Lindsey Martin Mason McAllister McAlpin of Mr. McCannahan of Mr. McCune McKnight McWilliam Mills Morris Morrow Moore of mad. Payne Peters Phillips Philip Shortridge Smith of D. Smith of Mr. Summers Taylor of F. Taylor of Mr. Vining Warren Weissinger Williams of J. Williams of T. Wilson and Wynn of the House of Representatives—60.

Those who voted for Mr. Lucas, are messrs President Baylor Cottrell D. Vereaux Farrar Fleming Frazier Hudson King Lea Mc Clellan McVay Maye Ross Riddle Rogers Terry Toulmin Ward Wellborn and Wilson of the Senate. messrs Speaker Abercrombie Andrews Baldwin Bates Bellinggame Clifton of C. Crawford Esselman Godbold Hampton Hilliard Kennedy Lindsey McConnel Meade Mills Moore of mad. Moore of mar. Moore of W. Payne Phillips Priest Shortridge Tarver Weissinger Williams of J. and Young, of the House of Representatives—49.

Those who voted for Mr. Mann, are messrs Cottrell D. Vereaux Lea Mc Clellan Ross Rice and Riddle, of the Senate. messrs Speaker Abercrombie Baker Bellinggame Belling Boston Burke Carmack Clifton of C. Crenshaw Earle E. G. Gold Hall Hammond Hampton Hancock Harrison Henderson High Holt Jones of B. Jones of P. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. Mc Clannahan of Mr. McCune Meade Moore of mad. Moore of mar. Murphy Peters Phillips Priest Shortridge Tarver Walker Weissinger Williams of J. Wright and Young, of the House of Representatives—37.

Those who voted for Mr. McGill, are messrs Frazier Hudson Lea Simmons Smith Terry Terry Ward Wellborn and Wilson, of the Senate. messrs Andrews Baker Bellinggame Belling Boston Burke Carmack Clifton of C. Crenshaw Douglas Earle E. G. Gold Hall Hammond Hampton Hancock Harrison Henderson High Holt Holly Jones of B. Jones of P. Kennedy Lipscomb McAllister McAlpin of G. Mc Clannahan of Mr. McCune Meade Mills Morrow Moore of mad. Moore of mar. Moore of W. Murphy Phillips Phillips Priest R. L. Searcy Simmons Smith of D. Smith of Mr. Summers Taylor of F. Taylor of Mr. Vining Walker Warren Williams of J. Williams of T. Wilson Wright and Withers, of the House of Representatives—68.

Those who voted for Mr. Means, are messrs Baylor Cottrell Farrar Frazier and Lloyd, of the Senate. messrs Belling Booth Cook of L. Crenshaw Godbold Jones of B. Mason and Wilson, of the House of Representatives—13.

Those who voted for Mr. Newman, are messrs President Dent Farrar Fleming Frazier Hill Lea McVay Maye Rogers Smith Terry Toulmin Ward Wellborn and Wilson, of the Senate. messrs Baker Carmack Clifton of C. Douglass Godbold Golding Hall Hammond Hancock Harrison High Jones of C. Jones of P. Kennedy Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of Mr. McCannahan of Mr. McCune McWilliam McKnight Mitchell Morris Morrow Murphy Payne Ross Searcy Shortridge Simmons Smith of D. Smith of Mr. Summers Taylor of F. Taylor of Mr. Vining Warren Wilson Withers Wright and Wynn, of the House of Representatives—60.

Those who voted for Mr. Pierce, are messrs Cottrell Rice and Riddle, of the Senate. messrs Speaker Abercrombie Andrews Baldwin Baker Bates Burke Clifton of D. Cook of L. Crawford Clayton Crenshaw Earle Esselman Hampton High Hilliard Jones of B. Kennedy McAlpin of G. Mc Clannahan of Mr. Mills Mitchell Moore of mad. Moore of mar. Priest Tarver Walker and Weissinger of the House of Representatives—32.

Messrs. Bell, Brevard, Hall, Lewis, McGill, and Newman, having received a majority of all the votes given, Mr. Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Montgomery: the Senate then withdrew.

The Senate then retired to the Senate Chamber; Mr. President resumed his seat, and the consideration of the bill for the relief of the sufferers by the late Creek Indian depredations was resumed. Mr. Lea moved to strike out 'six per cent.' and insert in lieu thereof 'seven percent;' which was carried, and the bill ordered to be engrossed for a third reading on Monday next.

On motion of Mr. Baylor, the Senate adjourned until ten o'clock Monday morning.

*Monday, January 28.*—The Senate met pursuant to adjournment.

Mr Hudson presented the account of A. R. Thomas, which was referred to the committee on accounts and claims.

Mr Baylor presented the account of Joseph Rutherford, which was referred to the committee on accounts and claims.

Mr Simmons, from the committee on Propositions and Grievances, to which was referred the petition of Robert Duke, and a bill for his benefit, reported it back to the Senate, and recommended its passage. The bill was ordered to be engrossed for a third reading on tomorrow.

Mr Simmons from the committee on Propositions and Grievances, to which was referred a bill to be entitled an act for the relief of the purchasers of the sixteenth section of township two, of range four east, in the Huntsville land district, reported it inexpedient to legislate on the subject—which was concurred in.

On motion of Mr Dent, the engrossed bill to be entitled an act to abolish and establish certain election precincts, was taken from the orders of the day. Mr Wilson offered an amendment, which was adopted. Mr Cottrell offered an amendment, which was adopted. Mr King offered an amendment which was adopted. Mr Toulmin offered an amendment, which was adopted. Mr McClellan offered an amendment, which was adopted. Mr King offered an amendment, which was adopted; and the bill passed the Senate: Ordered to be entitled as above.

Mr Hudson, from the committee on enrolled bills, reported that they find correctly enrolled—An act to amend the laws relating to absconding slaves; an act to divorce Lueretia J. Tate from her husband, Griffith Tate; and an act to incorporate the town of Canton, in the county of Greene.

Mr Riddle introduced a bill to be entitled an act to amend and repeal in part an act to incorporate the Mesopotamia male and female Academy; approved December 23, 1835, which was read the 1st time; the constitutional rule dispensed with, was read a second time, and ordered to be engrossed for a third reading on tomorrow.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Catholic Female Benevolent Society of Mobile; which was read the first time, the constitutional rule dispensed with, was read the second time, and referred to the committee on the Judiciary. The Senate then proceeded to the orders of the day.

Engrossed bill from the House of Representatives, to be entitled an act to regulate lower. The yeas and nays were called for on ordering the bill to a third reading—yeas 17—nays 10.

The yeas were messrs. Cottrell Dent Hill King Lea Lloyd McVay Mays Riddle Simmons Smith Terry Toulmin Ward Warrus Wellborn and Wilson.

The nays were messrs. President Baylor Farrar Fleming Frazier Hudson McClellan Ross Rice, and Rogers.

The bill was ordered to a third reading on tomorrow.

Message from the House of Representatives, by Mr. Phelan: Mr. President, the House of Representatives has adopted the following resolution: Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Representative hall on this evening, at 7 o'clock, for the purpose of electing a President and six Directors for the Branch Bank of the State of Alabama at Huntsville; in which they ask the concurrence of the Senate.

Mr. Hudson moved to amend the resolution from the House, by adding the following: 'and also at the same time for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama at Decatur;' which was adopted, and the message concurred in.

Engrossed bill to be entitled an act to authorize and establish a 31 battalion in the 73d regiment of Alabama militia. Mr. Cottrell moved to fill the blank in the sixth section with 'eighty fourth;' which was concurred in. The amendments of the House of Representatives were concurred in.

Engrossed bill to be entitled an act to promote the cause of education in the State of Alabama, which, on motion of Mr. Hudson, was laid on the table.



Engrossed bill from the House of Representatives to be entitled an act to raise a fund for the use of the fire company in the city of Mobile, was read the third time and passed the Senate: Ordered to be entitled as above.

Mr Cottrell moved to suspend the orders of the day, which was carried.

Mr. Cottrell offered the following resolution: Resolved, that with the concurrence of the House of Representatives, the Senate will assemble in the hall of the House of Representatives on Tuesday evening next, at 7 o'clock, for the purpose of electing a Chancellor of the Southern Division, and also a Chancellor for the Northern Division of this State; also to select a site for the State penitentiary; and also three commissioners to digest a penal code, and three commissioners to superintend the erection of the penitentiary—which was adopted.

Engrossed bill to be entitled an act to affix the salary of the President and Directors of the Bank of the State of Alabama and its Branches: Mr Dent moved to postpone the bill until the first day of March next: the yeas and nays were called for. Yeas 15, nays 11.

The yeas were messrs President Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson Lloyd McClellan McVay Ross Ward and Whitous.

The nays were messrs Baylor King Rice Riddle Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The motion to postpone prevailed.

Engrossed bill from the House of Representatives to be entitled an act to authorize an election for a Justice of the Peace and Constable in the town of Maplesville in the county of Bibb and for other purposes, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to regulate the duties of the Clerks of the county courts, in the respective counties in this State, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to repeal in part an act entitled an act to revise and amend the laws in relation to schools and school lands, approved December 25th, 1837, was read the third time and lost.

Engrossed bill to be entitled an act for the benefit of the sixteenth sections of this State, was read the third time: Mr Frazier moved to strike out the second section, which was lost: Mr Lea moved to amend the bill by inserting "of the sixteenth section" between "value" and "thereof" in the 4th section, which was adopted: Mr Lea moved to strike out the 11th section, which was carried: Mr Lea moved to strike out "contravening" and insert "as contravenes" which was adopted: the yeas and nays were called on the passage of the bill. Yeas 22, nays 5.

The yeas were messrs Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay Ross Rice Rogers Simmons Smith Toulmin Ward Whitous and Wilson.

The nays were messrs President Cottrell Mays Riddle and Wellborn.

The bill passed the Senate: ordered to be entitled as above.

Mr McClellan from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles, to wit:—an act to divorce Elizabeth Dance from her husband Henry B. Dance: an act to divorce Sarah Green from her husband William Green: an act to divorce Elizabeth Green from her husband John W. Green: an act to repeal an act increasing the pay of Jurors so far as regards the county of Henry, approved December 21st, 1837: and an act to divorce Emeline Ridgell from her husband John W. Ridgell.

The bill to be entitled an act concerning steam and horse mills, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to al-

ter the mode of assessing and collecting the county tax of Butler county and for other purposes, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to abolish imprisonment for debt, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend judicial proceedings at common law, in regard to suits against copartners, was read the second time and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to incorporate a Male Academy, in the town of Livingston, was read the second time: the constitutional rule dispensed with, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to change the name of a certain person therein named and for other purposes, was read the second time: the constitutional rule dispensed with, was read the third time and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to amend the patrol laws, was read the second time, and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend the charter of the city of Mobile, was read the 2nd time, the constitutional rule dispensed with, was read the third time and passed the Senate: ordered to be entitled as above.

Mr Weilborn moved to suspend the orders of the day, which was carried.

Mr Weilborn from the committee on Military Affairs, to which was referred the engrossed bill from the House of Representatives to be entitled an act to authorize the formation of an additional regiment in the county of Barbour: reported it back with the following amendment—in the 6th line of the first section, strike out “eighty-fourth” and insert in lieu thereof, “eighty-fifth”—which was concurred in: the bill read the third time and passed the Senate: ordered to be entitled as above.

Message from His Excellency the Governor, by Mr Gooch, Mr President, His Excellency the Governor, on Saturday 26th inst., approved and signed the bills of the following titles from the Senate, to wit:—an act to establish the Swift Creek Manufacturing Company, in the county of Autauga: an act to incorporate the Carthage Male and Female Academy.

Message from the Governor, by Mr Gooch:—

EXECUTIVE DEPARTMENT, Tuscaloosa, January 28th, 1839.

*Gentlemen of the Senate and of the House of Representatives:*—I have the honor to lay before you a copy of the communication from Robert P. D. Silver, of Philadelphia, accompanied by a copy of “Tactics and regulations for the Militia of the United States,” and beg leave, respectfully, to submit to the General Assembly the propriety of purchasing a suitable number of copies of said work for the use of the Militia of this State.

A. P. BAGBY.

Hon. JAMES M. CALHOUN, President Senate.

The message and accompanying communication were referred to the committee on Military Affairs.

Message from the House of Representatives by Mr Garrett, Mr President, the House of Representatives concur in the amendments made by the Senate, to the resolution of the House, to go into the election of a President and six Directors, for the Branch Bank of the State of Alabama at Huntsville.

Message from the House of Representatives by Mr Phelan, Mr President, the



House of Representatives concur in the amendments of the Senate, made to the bills entitled an act for the relief of the purchasers of the sixteenth section, township four, range five, west, in the county of Limestone: an act to locate the seat of justice in the county of De Kalb, and for other purposes: an act for the relief of John Coleman, and others: an act to incorporate the town of Clinton in the county of Green.

The House has passed bills of the following titles:—an act to incorporate the Grant's Creek Academy, in the county of Tuscaloosa: an act to revive and continue in force the charter of the Moulton Railroad Company: an act to authorize David Shelton, and David Larkins, and their associates, to Turnpike a certain road therein named: an act to incorporate a Railroad Company, from the town of Greensborough to the town of Marion, in Perry county: an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to retailers of spirituous liquors, approved December 23d, 1837: an act to incorporate the Ladies Education Society, in the town of Selma: an act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year 1837, and approved June 24th, 1837. In which they ask the concurrence of your honorable body.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Grant's Creek Academy, in the county of Tuscaloosa: was read the first time, the constitutional rule dispensed with, was read the second time, and the rule again dispensed with, was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to the retailers of spirituous liquors, approved December 23d, 1837: was read the first time, the constitutional rule dispensed with, was read the second time, and referred to the committee on the Judiciary.

Engrossed bill from the House of Representatives to be entitled an act to revive and continue in force the charter of the Moulton Railroad Company: was read the third time and passed the Senate: ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize David Shelton and David Larkins, and their associates, to Turnpike a certain road therein named: was read a first time, and postponed until the first of July next.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend the seventh section of an act to amend and consolidate the laws on the subject of public roads, approved 23d December, 1836, so far as regards the county of Covington: was read a second time, the constitutional rule dispensed with, was read the third time and passed the Senate.

Engrossed bill to be entitled an act to incorporate the Academy of the Ladies Education Society, in the town of Selma, was read the first time, the constitutional rule dispensed with, was read a second time, the constitutional rule again dispensed with, was read a third time and passed the Senate: ordered to be entitled as above.

Engrossed bill to be entitled an act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year one thousand eight hundred and thirty-seven, and approved June 24th, 1837: was read the first time, the consti-

tutional rule dispensed with, was read the second time and referred to the committee on the Judiciary.

The Senate resumed the consideration of the orders of the day.

Engrossed bill from the house of Representatives to be entitled an act to change the time of holding the county courts in Mason county, was read the second time, the constitutional rule dispensed with, was read the third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to repeal in part and amend the law on the subject of public roads so far as relates to the county of St. Clair : was read a second time and referred to the committee on roads bridges and ferries.

Engrossed bill from the house of Representatives to be entitled an act to incorporate the Dadeville Female Academy : was read the second time ; the constitutional rule dispensed with, read a third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to incorporate Mount Moriah Academy : was read a second time, the constitutional rule dispensed with, was read a third time, the title amended by adding "in Wilcox county" the bill then passed the Senate : ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Sarah Sallis ; was read the second time and referred to the committee on the Judiciary.

Engrossed bill from the house of Representatives to be entitled an act to incorporate the Gerard Manufacturing Company, was read the second time and referred to the committee on the Judiciary.

Engrossed bill to be entitled an act to authorize the taking the depositions of attorneys, counsellors and solicitors ; was read a third time and passed the Senate : ordered to be entitled as above.

Engrossed bill from the house of Representatives to be entitled an act to authorize James Herndon to peddle in the county of Marshall ; was read a second time and referred to the committee on the Judiciary.

Engrossed bill from the house of Representatives to be entitled an act to change the time of convening the General Assembly : was read a second time : mr Wilson moved to strike out the word "first;" mr Mays moved to lay the bill and amendment on the table : the yeas and nays were called for. Yeas 11, nays 16.

The yeas were messrs Baylor Dent Fleming Hudson Lea McClellan Mays Ross Rice Riddle and Terry.

The nays were messrs President Cottrell Devereaux Farrar Frazier Hill King Lloyd McVay Rogers Simmons Smith Toulmin Ward Wellborn and Wilson.

The motion was lost ; mr Wilson moved to postpone the further consideration of the bill until the first Monday in August next ; the yeas and nays were called for. Yeas 13, nays 12.

The yeas were messrs Baylor Dent Hudson Lea Lloyd McClellan Mays Ross Rice Riddle Terry Watrous and Wilson.

The nays were messrs President Cottrell Devereaux Frazier Hill King McVay Rogers Simmons Smith Toulmin and Wellborn.

The motion to postpone prevailed.

Engrossed bill from the house of Representatives to be entitled an act to divorce Thomas B. Ballard from his wife Nancy Ballard ; was read a second time, and referred to the committee on Divorce and Alimony, and then the Senate adjourned to 3 o'clock p. m.

*Evening Session.*—Continuation of the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act to divorce Mary A. Rutledge from her husband William P. Rutledge; was read the second time and referred to the committee on Divorce and Alimony.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the medical Society of South Alabama, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Union Hotel company, was read the second time, and referred to the committee on the Judiciary.

The engrossed bill from the House of Representatives, to be entitled an act to authorize the sale of slaves in the town of Demopolis, was read a second time, the constitutional rule dispensed with, was read a third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act concerning the appointment of Directors on the part of the State, in the Bank of Mobile, was read a third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act concerning the corporation of the town of Moulton in the county of Lawrence, was read a third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act to authorize Thomas H. Davis to erect a toll bridge across the Ochlocknee Creek, at or near the point called Greer's Bridge, on the line between the counties of Hall and Dallas, was read the third time, and the further consideration thereof postponed until tomorrow.

Engrossed bill to be entitled an act for the relief of the sufferers by the late Creek Indian depredations, was read a third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill to be entitled an act for the removal of the Branch of the Bank of the State of Alabama at Decatur to the town of — in the county of —, was read a third time and referred to a special committee. Mr. President appointed messrs. Wellborn, McVay and Watrous such committee.

Engrossed bill to be entitled an act to amend an act entitled an act to establish a Board of commissioners for the improvement of the navigation of the Tombigbee River, and for other purposes, was read a third time, and referred to a special committee. Mr. President appointed messrs. King, Smith and Baylor such committee.

Engrossed bill to be entitled an act to incorporate the Mobile and Spring Hill Rail Road company, was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Baylor, from the select committee to which was referred a bill to be entitled an act to change the time of holding the Circuit Courts of the 9th judicial circuit, report that it is inexpedient to pass the bill: which was concurred in.

On motion of Mr. Hudson, the Senate adjourned until a quarter before 7 o'clock, P. M.

*Night Session.*—Mr. Lea, from the committee on internal improvement and inland navigation, to which was referred a petition of sundry citizens of the city of Mobile, in relation to a Rail Road from Mobile to Spring Hill, reported that a bill has been reported from this committee to the Senate, and which is now in progress, embracing the object of the petitioners—and asked to be discharged from the further consideration thereof; which was concurred in.

Message from the House of Representatives by Mr. Garrett: Mr. President, I am directed by the House of Representatives to invite the Senate into the Hall of the house, for the purpose of going into the election of a President and six Directors for the Branches of the Bank of the State of Alabama at Huntsville and Decatur: whereupon

the Senate adjourned to the hall of the House of Representatives, were seated—mr. President announced the object of the meeting:

The two Houses then proceeded to the election of a President for the Branch Bank at Huntsville. B. M. Lowe alone being in nomination. Those who voted for mr. Lowe, are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Loyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McConnell McKnight McMillon Meade Mills Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Philpot Porter Priest Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives.

Mr. L. Williams having received the whole number of votes given, mr. Speaker declared him duly elected President of the Branch Bank of the State of Alabama at Huntsville.

The two Houses then proceeded to the election of six Directors for the Branch Bank at Huntsville. R. M. Patton, G. S. Ewing, B. Patterson, E. L. Andrews, J. P. Wyche, T. V. Province, E. W. Williams, Thomas Brandon, William Saunders and John Phelan, sen. being in nomination.

Those who voted for mr. Andrews, are messrs President Baylor Fleming Hill King Mays Ross Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Baldwin Baker Clifton of C. Cook of L. Crayton Creagh Crenshaw Douglass Finley Godbold Golding Hammond Hancock Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb McAllister McAlpin of G. McAlpin of m. McKnight McMillon Meade Mills Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Philpot Porter Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Tarver Taylor of F. Taylor of m. Vining Walker Warren Wilson Wright and Wynn of the House of Representatives. 63

Those who voted for mr. Patton, are messrs President Baylor Cottrell Dent Farrar Fleming Frazier Hill Lloyd McVay Mays Rice Riddle Rogers Simmons Smith Terry Toulmin Wellborn and Wilson of the Senate—messrs Baker Blassingame Bolling Booth Boston Carmack Clifton of C. Clifton of D. Cook of L. Creagh Crenshaw Douglass Finley Godbold Golding Hall Hammond Hampton Hancock Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McConnell McKnight McMillon Mills Mitchell Morris Morrow Murphy Payne Peters Philpot Rogan Searcy Shortridge Simmons Smith of m. Sommers Taylor of F. Vining Warren Williams of E. Withers Wright and Wynn of the House of Representatives. 51.

Those who voted for mr. Ewing, are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Loyd McClellan Ross Rice Riddle Rogers Simmons Toulmin Ward and Watrous of the Senate—messrs Speaker Abercrombie Address Baldwin Baker Bates Bolling Booth Burke Carmack Clifton of C. Cook of L. Crayton Creagh Douglass Esselman Finley Garner Hall Hampton Hancock Harrison Hilliard Hogg Hollis Kennedy Lindsey Mason McAlpin of G. McAlpin of m. McKnight McMillon Meade Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Payne Peters Philpot Porter Rogan Searcy Shortridge Simmons Sommers Tarver Taylor of m. Vining Walker Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives. 50.

Those who voted for mr. Patton, are messrs Devereaux Frazier Lee Loyd McClellan McVay Rice Simmons Toulmin and Wilson of the Senate—messrs Address Baldwin Bates Blassingame Bolling Booth Burke Carmack Clifton of D. Cook of L. Crayton Creagh Crenshaw Douglass Esselman Finley Garner Godbold Hall Hammond Hampton Hancock Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of C. Kennedy Lindsey Lipscomb McAllister McAlpin of G. McAlpin of m. McConnell McKnight McMillon Meade Mills Mitchell Morris Morrow Moore of mad. Moore of W. Murphy Peters Philpot Porter Shortridge Smith of D. Tarver Warren Williams of J. Williams of T. Withers Wright and Wynn of the House of Representatives. 61.

Those who voted for mr. Patterson, are messrs Baylor Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Loyd McClellan Mays Ross Riddle Rice Terry Ward and Watrous of the Senate—messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Boston Carmack Clifton of C. Clifton of D. Douglass Esselman Finley Garner Godbold Golding Hampton Hancock Harrison Hilliard Hogg Hollis Holly Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAlpin of G. McClanahan of m. McConnell McKnight McMillon Mills Mitchell Morrow Moore of mad. Payne Philpot Porter Simmons Smith of m. Tarver Taylor of F. Taylor of m. Vining Walker Warren Williams of J. Williams of T. Wilson Wright and Young of the House of Representatives. 75.

Those who voted for mr. Phelan, are messrs Baylor Devereaux Hudson Lea McVay Simmons Smith and Wilson of the Senate—messrs Address Baldwin Blassingame Bolling Booth Boston Burke Clifton of C. Clifton of D. Cook of L. Crenshaw Garner Godbold Golding Hall Hammond Harrison Henderson High Hogg Hollis Holly Jones of B. Jones of C. Lindsey Martin McAllister McAlpin of m. McClanahan of m. McConnell McKnight McMillon Morrow Moore of W. Murphy Peters Porter Rogan Searcy Shortridge Simmons Smith of D. Smith of m. Sommers Taylor of F. Walker Warren Williams of J. Wright and Wynn of the House of Representatives. 57.

Those who voted for mr. Province, are messrs Cottrell Dent Fleming King Ross Ward and Wellborn of the Senate—Messrs Speaker Abercrombie Address Bates Clifton of D. Crayton Creagh McAlpin of G. Moore of mad. Tarver Taylor of m. Vining and Young of the House of Representatives. 20.

Those who voted for mr. Saunders, are messrs President Baylor Cottrell Devereaux Hill Hudson Lea McClellan McVay Mays Rogers Simmons Smith Terry Toulmin Watrous and Wellborn of the Senate. messrs Address Baldwin Baker Blassingame Bolling Booth Boston Burke Carmack Creagh Crenshaw Douglass Esselman Garner Golding Hall Hammond Hampton Harrison Henderson High Hilliard Hogg Hollis Jones of B. Jones of C. Kennedy Lindsey Lipscomb Martin Mason McAllister McClanahan of m.

Mende Mills Morris Payne Philpot Porter Rogan Searcy Shortridge Smith of D. Smith of m. Sommers Tarver Taylor of F. Walker Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives. 71

Those who voted for Mr Williams are, messrs Baylor Cottrell Dent Devereaux Farrar Frazier Hill Hudson King Lee Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Toumin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Cook of L. Crayton Crenshaw Douglass Esselman Garner Golding Hall Hammond Hampton Harrison Henderson High Hilliard Holly Jones of B. Kennedy Lindsey Lipscomb Martin Mason McAlister McAlpin McClanahan of m. McConnell McKnight Mills Mitchell Morris Moore of mad. Moore of w. Murphy Payne Peters Philpot Rogan Searcy Simmons Smith of D. Smith of m. Sommers Taylor of F. Taylor of m. Warren Williams of J. Williams of T. Wilson Withers Wright Wynn and Young of the House of Representatives—91.

Those who voted for Mr Wyche are, messrs President Cottrell Dent Farrar Fleming Frazier Hudson King Lee Lloyd McClellan Ross Rice Riddle Rogers Terry Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Abercrombie Baldwin Bates Booth Burke Clifton of D. Crayton Esselman Golding Hampton Jones of b. Martin Mason McAlpin of G. McConnell Meade Mitchell Moore of mad. Moore of w. Tarver Taylor of m. Vining Walker Wilson Withers and Young of the House of Representatives—47.

Messrs. Andrews, Brandon, Ewing, Patterson, Saunders, and Williams, having each received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch Bank of the State of Alabama, at Huntsville.

The two Houses next proceeded to the election of a President for the Branch Bank of the State of Alabama at Decatur—James T. Sykes alone being in nomination.

Those who voted for Mr Sykes are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lee Lloyd McClellan McVay Ross Rice Riddle Rogers Simmons Smith Terry Toumin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Andrews Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Cook of L. Crayton Crenshaw Douglass Earle Esselman Farley Garner Golding Hall Hammond Hampton Hancock Harrison Henderson High Hilliard Hogg Hollis Holly Jones of B. Jones of c. Kennedy Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of m. McClanahan of m. McKnight McMillon Meade Mills Mitchell Morris Morrow Moore of mad. Moore of w. Murphy Payne Peters Phillips Philpot Porter Priest Rogan Searcy Shortridge Simmons Smith of d. Smith of m. Sommers Taylor of F. Taylor of c. Vining Walker Warren Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives.

Mr Sykes having received the whole number of votes given, Mr Speaker declared him duly elected President of the Branch Bank of the State of Alabama at Decatur.

The two Houses then proceeded to the election of six Directors for the Branch of the Bank of the State of Alabama at Decatur, Thomas Liles, G W Carroll, J H Blain H A Bragg, J W Hansel, J N Owen, John Berrey, J C Malone and J W Garth being in nomination:

Those who voted for Mr Bragg, are Messrs Baylor Cottrell Devereaux Farrar Frazier Hill Lloyd McVay Mays Rogers Simmons Smith Terry Toumin and Wilson of the Senate—Messrs Baldwin Baker Blassingame Booth Boston Carmack Clifton of c. Cook of L. Crayton Crenshaw Douglass Earle Farley Garner Golding Hall Hammond Hampton Hancock Harrison Henderson Hilliard Hogg Hollis Holly Jones of B. Kennedy Lindsey Martin Mason McAlister McAlpin of M. McConnell McKnight Meade Mitchell Morris Morrow Murphy Payne Porter Searcy Shortridge Simmons Smith of D. Sommers Taylor of F. Taylor of M. Warren Williams of J. Williams of T. Wilson Withers Wright and Wynn of the House of Representatives. 92.

Those who voted for Mr Berry, are Messrs Farrar Frazier King Lee Rice Smith Toumin Ward Watrous and Wilson of the Senate—Messrs Andrews Bates Blassingame Bolling Booth Boston Carmack Clifton of c. Cook of L. Crenshaw Douglass Farley Hall Hammond Hancock Harrison Henderson High Holly Jones of B. Kennedy Lindsey Martin Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McConnell McKnight Mills Mitchell Morris Moore of mad. Murphy Payne Philpot Priest Rogan Searcy Shortridge Smith of D. Sommers Taylor of F. Taylor of M. Warren Williams of J. Williams and Wright of the House of Representatives. 59.

Those who voted for Mr Blain, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lee Lloyd McClellan Mays Ross Rice Riddle Rogers Simmons Terry Toumin Ward and Watrous of the Senate—Messrs Speaker Abercrombie Andrews Baldwin Baker Bates Blassingame Bolling Booth Clifton of c. Cook of L. Crayton Crenshaw Douglass Esselman Farley Golding Hampton Hancock Harrison High Hilliard Hogg Hollis Jones of B. Jones of c. Kennedy Lindsey Lipscomb Martin Mason McAlister McAlpin of G. McAlpin of M. McClanahan of M. McKnight Meade Mills Mitchell Morrow Moore of mad. Moore of w. Payne Peters Philpot Rogan Searcy Simmons Smith of D. Sommers Taylor of F. Taylor of M. Vining Walker Wilson Withers Wright and Young of the House of Representatives. 23.

Those who voted for Mr Carroll, are Messrs Baylor Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lee Lloyd McVay Mays Ross Rice Riddle Rogers Simmons Smith Terry Ward Watrous Wellborn and Wilson of the Senate—Messrs Speaker Abercrombie Andrews Baldwin Baker Bates Bolling Booth Burke Carmack Clifton



of C. Crayton Creagh Crenshaw Douglass Earl Esselman Findley Garner Hall Hampton High Hilliard Hollis Jones of C. Kennedy Lindsay McAlister McAlpin of G. McClanahan of M. McConnell Meade Miss Morris Morrow Moore of Mad. Moore of W. Murphy Payne Peters Philip Porter Priest Rogan Scarey Shortridge Simmons Smith of M. Tarver Taylor of F. Taylor of M. Walker Williams of T. Withers Wright Wynne and Young of the House of Representatives.

Those who voted for Mr. Garth, are Messrs President Cottrell Dent Devereaux Farrar Fleming Frazier Hall Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Simmons Smith Terry Ward Watrous Wellborn and Wilson of the Senate.—Messrs Speaker Abernethie Andress Baldwin Baker Bates Blassingame Bolling Boston Burke Carmack Cotton of C. Cook & L. Crayton Creagh Crenshaw Douglass Earl Esselman Findley Garner Gouding Hall Hammond Hancock Harrison Henderson Hilliard Hogg Hollis Holly Jones of B. Jones of C. Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McClanahan of M. McKnight Meade Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Peters Philip Porter Priest Rogan Simmons Smith of M. Tarver Taylor of M. Vining Walker Warren Williams of T. Wilson Wright Wynne and Young of the House of Representatives.—40.

Those who voted for Mr. Hansel, are Messrs President Bess and Rogers of the Senate.—Messrs Abernethie Andress Blassingame Bolling Burke Carmack Crayton Douglass Earle Esselman Findley Garner Gouding Hall Hammond Hancock Harrison Henderson Hogg Hollis Holly Jones of B. Jones of C. Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McClanahan of M. McKnight Meade Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Peters Philip Porter Priest Rogan Simmons Smith of D. Smith of M. Tarver of F. Vining Walker Warren Williams of J. Williams of T. Withers of the House of Representatives.—40.

Those who voted for Mr. Lisle, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hall Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Simmons Smith Terry Toulmin Watrous Wellborn and Wilson of the Senate.—Messrs Speaker Abernethie Baldwin Baker Bates Blassingame Bolling Boston Burke Cook of L. Crayton Creagh Crenshaw Earle Esselman Findley Gouding Hall Hammond Hancock Harrison Hogg Hollis Holly Jones of C. Kennedy Lindsay Lipscomb Martin Mason McAlister McAlpin of G. McClanahan of M. McKnight Meade Mitchell Morris Moore of Mad. Moore of W. Murphy Payne Peters Philip Porter Priest Rogan Scarey Shortridge Simmons Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Williams of T. Williams of T. Withers Wynne and Young of the House of Representatives.—42.

Those who voted for Mr. Malone, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hall Hudson King Lea Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Simmons Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate.—Messrs Speaker Boston Burke Carmack Cotton of C. Douglass Esselman Garner Gouding Hampton Hancock Harrison Hilliard Hilliard Jones of C. Lindsay Lipscomb Martin Mason McAlpin of M. McClanahan of M. McConnell Meade Mitchell Moore of Mad. Murphy Philip Porter Priest Rogan Shortridge Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Withers Wynne and Young of the House of Representatives.—44.

Those who voted for Mr. Owen, are Messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hall Hudson King Lea Lloyd McClellan McVay Ross Rice Riddle Rogers Simmons Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate.—Messrs Speaker Abernethie Andress Baldwin Baker Bates Bolling Boston Burke Cook of L. Crayton Creagh Crenshaw Douglass Esselman Garner Gouding Hall Hammond Hancock Harrison Hilliard Hilliard Jones of C. Lindsay Lipscomb Martin Mason McAlpin of M. McClanahan of M. McConnell Meade Mitchell Moore of Mad. Murphy Philip Porter Priest Rogan Shortridge Smith of D. Smith of M. Sommers Tarver Taylor of F. Taylor of M. Vining Walker Warren Williams of J. Williams of T. Withers Wynne and Young of the House of Representatives.—40.

Messrs Bragg, Blain, Carroll, Garth, Lisle and Owen each having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch Bank of the State of Alabama at Decatur.

The Senate then retired to the Senate Chamber, Mr. President resumed his seat—when, on motion of Mr. Rogers, the Senate adjourned until 10 o'clock tomorrow morning.

*Tuesday, January 29.* The Senate met pursuant to adjournment.

Mr. Dent from the committee on Indian expenditures, to which was referred the account of William Arrington for corn and fodder furnished for Captain Hudson's troop, reported a bill which was read the 1st time, the constitutional rule dispensed with, was read a second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. King, from the special committee to which was referred a bill to be entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombigbee river, and for other purposes, reported the bill back to the Senate with the following amendments—strike out the words at the end of the first section "the commissioners therein established shall exercise and be subject to" strike out the 2nd section—which were concurred in, the bill read the third time, and passed the Senate.

Mr. Cottrell introduced a bill to be entitled an act prescribing the manner of electing Presidents and Directors for the Bank of the State of Alabama and its several Branches; which was read the 1st time, the constitutional rule dispensed with, was read a second time and ordered to be engrossed for a third reading on tomorrow.

Mr. McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act for the relief of the purchasers of the sixteenth section, in this State; an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made; and for other purposes; an act fixing the salaries of the Secretary of State, the State Treasurer, Comptroller of public accounts, and Adjutant and Inspector General; an act to authorize the Mobile College to confer degrees, and to exempt the property thereof from taxation;



an act to locate the seat of justice of the county of De Kalb, and for other purposes; an act to authorize the sheriff of Marion county to perform certain duties therein named; an act to allow additional compensation for taking the census of this State; an act to compensate certain persons therein named; an act to change the names of certain persons therein named; an act to incorporate the Franklin Academy, in the town of Suggsville; an act to incorporate the Marble Spring Academy in the county of Talladega; and an act to incorporate the town of Lowndesboro, in the county of Lowndes.

Leave was given to Mr. Terry to withdraw the papers of S. H. Henry.

Mr. Moss from the committee on the State Bank, to which was referred a bill to be entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches, to secure the debts due said Bank, reported it back to the Senate, and recommended its passage. The bill was read the third time. Mr. Wellborn offered the following amendment: 'provided that the provisions of this act shall only apply to such debtors to the Bank, whose liabilities do not exceed the sum of two thousand dollars.' Mr. Smith moved to postpone the further consideration of the bill until the 1st of March next. The yeas and nays were called for—yeas 11, nays 18.

The yeas were messrs. President Cottrell Devereaux Farrar King McVay Mays Riddle Smith Teulmin and Ward.

The nays were messrs. Baylor Dent Fleming Frazier Hill Hudson Lea Lloyd McClellan Ross Rice Rains Rogers Simmons Terry Watrous Wellborn and Wilson.

The motion was lost. Mr. Rains called for the previous question. The yeas and nays were called for—yeas 9, nays 20.

The yeas were messrs. Fleming Hudson Lea McClellan Ross Rains Rogers Simmons and Terry.

The nays were messrs. President Baylor Cottrell Devereaux Farrar Frazier Hill King Lloyd McVay Mays Riddle Smith Teulmin Ward Watrous Wellborn and Wilson.

The motion was lost. Mr. Terry moved to postpone Mr. Wellborn's amendment until the 1st day of August next. The yeas and nays were called for—yeas 11, nays 12.

The yeas were messrs. Dent Fleming Hudson Lea McClellan Ross Rice Rains Rogers Simmons and Terry.

The nays were messrs. President Baylor Cottrell Devereaux Farrar Frazier Hill King Lloyd McVay Mays Riddle Smith Teulmin Ward Watrous Wellborn and Wilson.

The motion was lost. The question was then taken on the adoption of Mr. Wellborn's amendment. The yeas and nays were called for—yeas 18, nays 11.

The yeas were messrs. President Baylor Cottrell Devereaux Farrar Frazier Hill King Lloyd McVay Mays Riddle Smith Teulmin Ward Watrous Wellborn and Wilson.

The nays were messrs. Dent Fleming Hudson Lea McClellan Ross Rice Rains Rogers Simmons and Terry.

The amendment was adopted.

On motion of Mr. Rains, the Senate adjourned until half past 3 o'clock, P. M.

*Evening Session.*—The Senate met pursuant to adjournment, and resumed the consideration of the engrossed bill from the House of Representatives, to be entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches, to secure the debts due said banks. Mr. President offered the following amendment: 'Provided that under the provisions of this act, no extension shall be given upon any debt due to any of said banks by any person who is now a member of either branch of the General Assembly, or upon any debt owing by any person who may now be a President or Director of any of said banks, or who may have heretofore been.' The yeas and nays were called for—yeas 15, nays 14.

The yeas were messrs. President Baylor Cottrell Devereaux Farrar Frazier Hill Lloyd McVay Mays Riddle Smith Teulmin Ward and Wellborn.

The nays were messrs. Dent Fleming Hudson King Lea McClellan Ross Rice Rains Rogers Simmons Terry Watrous and Wilson.

The amendment was adopted. Mr. Watrous moved to postpone the further consideration of the bill until tomorrow; which was lost.

Mr. Wilson moved to reconsider the vote taken on the adoption of Mr. Wellborn's amendment. The yeas and nays were called for—yeas 12, nays 16.

The yeas were messrs Dent Fleming Hudson Lea McClellan Ross Rice Rains Rogers Simmons Terry and Wilson.

The nays were messrs President Baylor Cottrell Devereaux Farrar Frazier Hill King Lloyd McVay Mays Riddle Smith Toulmin Ward and Watrous.

The motion was lost. Mr. King offered the following amendment: 'And provided further, that the Directors of the State bank and its branches shall have full power, in all cases, to make any arrangement that shall secure the debts due the Banks;' which was adopted. Mr. Lea offered the following amendment: Sec. —, 'And be it further enacted, that the President and Directors shall carry out the provisions of the act with as little pressure to the community as possible.' Mr. Hudson moved to postpone indefinitely the bill and amendments. The yeas and nays were called for—yeas 8, nays 20.

The yeas were Messrs. Dent Farrar Hudson Ross Rains Riddle Smith and Terry.

The nays were Messrs. President Baylor Cottrell Devereaux Frazier Hill King Lea Lloyd McClellan McVay Mays Rice Rogers Simmons Toulmin Ward Watrous Wellborn and Wilson.

The motion to postpone was lost. Mr. Cottrell called for the previous question: the yeas and nays were called for—yeas 11, nays 15.

The yeas were messrs President Baylor Cottrell King Lloyd McVay Mays Riddle Smith Toulmin and Ward.

The nays were messrs Dent Devereaux Farrar Hill Hudson Lea McClellan Ross Rice Rogers Simmons Terry Watrous Wellborn and Wilson.

The motion was lost. Mr. Lee's amendment was then adopted; the question remained upon ordering the bill to a third reading on tomorrow. The yeas and nays were called for—yeas 19, nays 8.

The yeas were messrs. President Baylor Cottrell Devereaux Frazier Hill King Lea Lloyd McClellan Ross Rice Rogers Ward Watrous Wellborn and Wilson.

The nays were messrs Dent Farrar Hudson McVay Riddle Simmons Smith and Terry.

The bill was ordered to a third reading on to-morrow.

On motion of Mr. King, the Senate adjourned until 7 o'clock, P. M.

*Night Session.*—Mr. Wilson moved to reconsider the vote taken to postpone until the 1st of August, the bill to be entitled an act to change the time of convening the General Assembly of the State of Alabama. Mr. Baylor moved to lay the motion on the table; which was carried.

Mr. Hudson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to raise a fund for the benefit of the fire company in the city of Mobile; an act to appoint an additional surveyor for the county of Jackson; an act to incorporate the Bellefonte Academy, in the county of Jackson; an act concerning the Mobile and Cedar Point Railroad Company; an act to repeal in part an act therein named; and an act requiring justices of the peace to give bond and security.

Message from the House of Representatives by Mr. Garrett: Mr. President, the House of Representatives concur in the resolution of the Senate, proposing to go into the election of a chancellor for the southern division, and a chancellor for the northern division of this State; also to select a site for the State penitentiary; three commissioners to digest a penal code; and three commissioners to superintend the erection of a penitentiary.

Message from the House of Representatives by Mr. Garrett: Mr. President, the House of Representatives concur in the resolution of the Senate, that the two Houses of the General Assembly will adjourn, sine die, on Saturday, the second day of February next.

Message from the House of Representatives by Mr. Garrett: Mr. President, the House of Representatives concur in the proposition of the Senate to appoint a committee of conference on the disagreement of the two Houses in relation to the bill entitled an act to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial districts according to the late census; and has appointed on the part, messrs. Martin, Abercrombie and Butler.

Message from the House of Representatives by Mr. Phelan: Mr President, the House of Representatives concur in the amendment made by the Senate to the bill to be entitled an act to authorize an election for a justice of the peace and constable in the town of Naplesville, in the county of Bibb; also in the amendments to the bill entitled an act for the benefit of the sixteenth sections of this State.

Message from the House of Representatives by Mr. Garrett: Mr President, the House of Representatives has excused Mr Baker from serving as a member of committee in the disagreement of the two Houses to the Senate's amendment to the bill apportioning the Representatives and Senators according to the late census and has appointed in his place Mr Burke.

Message from the House of Representatives by Mr. Garrett: Mr President, I am directed by the House of Representatives to invite the Senate into the hall of the House for the purpose of going into sundry elections as agreed on between the two Houses—whereupon the Senate repaired to the hall of the House were seated and Mr President announced the object of the convention of the two Houses.

The two Houses then proceeded to the election of a chancellor for the southern division. E. S. Dargan, Andrew Crenshaw, Robert McAlpin and J. B. Clarke, being in nomination. For Dargan 22; Crenshaw 45; McAlpin 25; Clarke 29.

Those who voted for Mr Crenshaw are messrs Devereaux Farrar Ross Rains Ward and Wellborn of the senate—and messrs Speaker Abernethie Andrews Baker Blasingame Boling Booth Caffery of c. Clifton of d. Crawford Clayton Creagh Douglass Earle Ellis Esselman Golding Hammond Hampton in hard Jones of B. Jones of c. Lindsey Lipscomb Mason McAnister M. S. Morris Moore of mad. Murphy Payne Phelp Porter Priest Rogan Sealey Simmons Smith of m. Taylor of m. Young Warren Weissinger Wright and Wynn of the House of Representatives—25.

Those who voted for Mr Dargan are messrs President Cottrell Dent Fleming McClellan McVay Mays Simmons Smith and Tamm of the Senate—and messrs Baldwin Cook of L. Hall Hamard Hogg Hoggins Sholes Shortridge Tarver and Withers of the House of Representatives—24.

Those who voted for Mr Clarke are messrs Frazier Hill Hudson King Lloyd and Watrous of the senate—and messrs Burke Carmack Garner Hain Henderson Hogg Holis Kennedy Martin McClanahan of m. McClanahan of s. McKnight Moore of mar. Moore of w. Peters Phillips Shortridge Sommers and Withers of the House of Representatives—20.

Those who voted for Mr McAlpin are messrs Lee Rice Riddle Rogers Terry and Wilson of the senate—and messrs Bates Fark Finley Godbold Hancock Hancock McAlpin of G. McAlpin of m. McConnell McMillan Mitchell Smith of D. Taylor of F. Williams of J. Williams of n. Wilson and Young of the House of Representatives—24.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the second time.

Those who voted for Mr Crenshaw are messrs Devereaux Farrar Ross Rains Rogers Smith Ward and Wellborn of the senate—and messrs Speaker Abernethie Andrews Baker Blasingame Boling Booth Caffery of c. Clifton of d. Crawford Clayton Creagh Douglass Earle Ellis Esselman Golding Hammond Hampton in hard Jones of B. Jones of c. Lindsey Lipscomb Mason McAnister M. S. Morris Moore of mad. Murphy Payne Phelp Porter Priest Rogan Sealey Simmons Smith of m. Taylor of m. Young Warren Weissinger Wright and Wynn of the House of Representatives—27.

Those who voted for Mr Dargan are messrs President Cottrell Dent Fleming McClellan McVay Mays Simmons Smith and Tamm of the Senate—and messrs Baldwin Cook of L. Hall Hamard Hogg Hoggins Sholes Shortridge Tarver and Withers of the House of Representatives—25.

Those who voted for Mr Clarke are messrs Frazier Hill Hudson King Lloyd and Watrous of the senate—and messrs Burke Carmack Garner Hampton Holis Kennedy Martin McClanahan of m. McClanahan of s. McKnight Moore of mar. Moore of w. Peters Phillips and Sommers of the House of Representatives—22.

Those who voted for Mr McAlpin are messrs Lee Rice Riddle Terry and Wilson of the senate—and messrs Bates Fark Finley Godbold Hancock Hancock McAlpin of G. McAlpin of m. McConnell McMillan Mitchell Smith of D. Taylor of F. Williams of J. Williams of n. Wilson and Young of the House of Representatives—22.

Neither having received a majority of the whole number of votes given the two houses proceeded to vote the third time—the name of Mr Dargan having been withdrawn.

Those who voted for Mr Crenshaw are messrs Devereaux Farrar McClellan McVay Ross Rains Rogers Smith and Ward of the Senate—and messrs Speaker Abernethie Andrews Baker Blasingame Boling Booth Caffery of c. Clifton of d. Cook of L. Crawford Clayton Creagh Douglass Earle Ellis Esselman Golding Hammond Hampton in hard Jones of B. Jones of c. Lindsey Lipscomb Mason McAnister M. S. Morris Moore of mad. Murphy Payne Phelp Porter Priest Rogan Sealey Simmons Smith of m. Taylor of m. Young Warren Weissinger Wright and Wynn of the House of Representatives—37.

Those who voted for Mr Clarke are messrs President Cottrell Dent Frazier Hill Hudson King Lloyd Mays Simmons and Watrous of the Senate—and messrs Boston Burke Carmack Garner Hain Henderson Hogg Holis Kennedy Martin McClanahan of m. McClanahan of s. McKnight Moore of mar. Moore of w. Peters Phillips Shortridge Sommers and Withers of the House of Representatives—31.

Those who voted for Mr McAlpin are messrs Haylor Fleming Lea Rice Riddle Terry Tamm and Wilson of the senate; messrs Bates Finley Godbold Hancock Hogg Hoggins McAlpin of G. McAlpin of m. McConnell McMillan Mitchell Smith of D. Taylor of F. Williams of J. Williams of n. Wilson and Young of the House of Representatives—25.

Mr Crenshaw having received a majority of the whole number of votes given, Mr Speaker

declared him duly elected Chancellor for the Southern Division of the State. The two houses then proceeded to the election of a Chancellor for the Northern Division of the State—Selas Parsons alone being in nomination.

Those who voted for Mr Parsons are messrs President Baylor Cottrell Dent Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd McClellan McVay, mays Ross Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Bates Blassingame Bolling Booth Boston Burke Carmack Clifton of c. Clifton of D. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Earle Ellis Esselman Finley Garner Godbold Golding Hall Hammond Hampton Hancock Henderson High Hilliard Hogg Holly Jones of B. Jones of c. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight McMillon Mills Mitchell Morris Moore of mad. Moore of mar. Moore of w. Murphy Payne Peters Phillips Philpot Porter Priest Rogan Searcy Shields Shortridge Simmons Smith of D. Smith of m. Taylor of m. Vining Warren Weissinger Williams of J. Williams of r. Wilson Withers Wynn and Young of the House of Representatives—68.

Mr Parsons having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Chancellor for Northern division of the State.

The two houses proceeded to the selection of a site for the location of the State Prison and Penitentiary. Wetumpka, Montavello, Centreville, Tuscaloosa and Marion being in nomination.

Those who voted for Wetumpka, are messrs Cottrell Devereaux McClellan mays Ross Simmons Smith Ward and Wellborn of the Senate; messrs Speaker Abercrombie Address Baldwin Baker Fleming Booth Boston Carmack Clifton of D. Clifton of c. Cook of L. Crawford Crayton Creagh Crenshaw Douglass Esselman Garner Godbold Hall Hammond Hampton Henderson High Hilliard Hogg Holly Jones of B. Jones of c. Lipscomb Martin McAllister McAlpin of m. McClanahan of m. McConnell McKnight Mills Morris Moore of w. Murphy Philpot Shields Shortridge Simmons Tarver Taylor of m. Vining Warren Withers and Wynn of the House of Representatives—69.

Those who voted for Montavello, are messrs President Baylor Farrar Frazier Lloyd Toulmin and Watrous of the Senate; messrs Burke Earle Finley Golding Hancock Lindsey Mason McClanahan of s. McMillon Moore of mad. Peters Phillips Rogan Smith of D. Smith of m. Williams of J. Wilson and Young of the House of Representatives—25.

Those who voted for Tuscaloosa, are messrs Dent Hudson King McVay Rice Rains Riddle and Terry of the Senate; messrs Bates Ellis Holbs McAlpin of G. Mitchell Porter Priest Seely and Williams of T. of the House of Representatives—17.

Those who voted for Centreville, are messrs Hill of the Senate; messrs Kennedy Moore of mar. and Southern of the House of Representatives—1.

Those who voted for Marion, are messrs Lea of the Senate; messrs Blassingame Weissinger and Wright of the House of Representatives—4.

Wetumpka having received a majority of the whole number of votes given, Mr Speaker declared that it is selected as the site for the location of the State prison and penitentiary.

The two houses then proceeded to the election of three commissioners to digest a penal code; Henry W. Colner, Henry Goldthwaite and John J. Ormond alone being in nomination, and having each received the unanimous vote of the two houses, Mr Speaker declared them duly elected commissioners to digest the penal code.

The two houses then proceeded to the election of three commissioners to superintend the building of the penitentiary; William Hogan, H. H. Higgins, William Fleming A. Livingston, W. P. Miller, A. A. McWhorter, in nomination.

Those who voted for Mr Hogan are messrs President Baylor Cottrell Dent Frazier Hill Hudson King Lea Lloyd McClellan Rice Rains Rogers Terry Toulmin and Wellborn of the Senate; messrs Speaker Address Baldwin Baker Bates Booth Boston Carmack Clifton of c. Crawford Crayton Crenshaw Douglass Earle Ellis Esselman Finley Garner Golding Hall Hammond Hampton Hancock Henderson High Hilliard Holly Jones of B. Jones of P. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClanahan of m. McClanahan of s. McConnell McKnight McMillon Mills Mitchell Morris Moore of mad. Murphy Peters Phillips Porter Priest Rogan Shortridge Simmons Smith of D. Smith of m. Searcy Tarver Taylor of m. Vining Weissinger Williams of J. Wilson Withers and Wynn of the House of Representatives—51.

Those who voted for Mr Higgins are messrs President Hill McClellan McVay Simmons and Terry of the Senate; messrs Speaker Baker Boston Creagh Henderson High mason Mc-



Alister McConnell Mills Moore of mar. Porter Taylor of m. Williams of T. and Wynn of the  
House of Representatives—21.

Those who voted for Mr Fleming are messrs Dent Devereaux Farrar Lea Mays Ross Rice Hains Riddle Rogers Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Abercrombie Baldwin Baker Booth Burke Earle Ellis Esselman Finley Godbold Hampton High Hilliard Jones of B. Lindsey Martin McClanahan of m. Mills Mitchell Moore of m. Phillips Philpot Porter Shortridge Smith of d. Tarver Taylor of m. Vining and Williams of T. of the House of Representatives—44.

Those who voted for Mr. Miller are messrs. Baylor Dent Frazier Hill Hudson Rice Riddle Rogers  
Seamons and Smith of the Senate; messrs. Abercrombie Address Bates Boiling Burke Crawford  
Grayton Crenshaw Early Garner Henderson Hogg Jones of B. Lindsey McClanahan of M. Mumford  
Moore of W. Philipps Price Tarver Warren Weissenger Williams of J. of the House of Represent-  
atives.—33.

Those who voted for Mr Livingston are messrs President Baylor Cottrell Devereaux Farrar King Lee McVay Mays Tomlinson, of the Senate; messrs Andrew Baldwin Bates Bolling Burke Cook of L. Crayford Crayton Godbold Hildard Jones of P. Kennedy Lipscomb McAlpin of G. McAlpin of M. Moore of mar. Moore of W. Murphy Payne Phillips Searcy Shields Shortridge and Sumners of the House of Representatives.—31.

Those who voted for Mr. McWhorter are messrs Cottrell Devereaux Hudson Lloyd McClellan May Mays Ross Simmons Tedburn Watrous and Wellborn of the Senate; messrs Abercrombie Carmack Clifton of C. Cook of D. Creagh Douglass Ellis Esselman Garner Golding Hall Hammond Hampton Hancock Hays Holly McAlister McMahan of S. McConnell McKnight Mitchell Morris Moore of Ind. Mumford of W. Rhyme Peters Rozan Seary Shields Simmons Smith of m. S. Van Vining Warren Wilson of N. H. Withers and Young, of the House of Representatives—51.

Those who voted for Mr. Smith are messrs. Farrar Frazier King Lloyd Ross Rains Smith and Watson of the Senate; messrs. Billings Boston Carmack Clifton of C. Cook of L. Cragg Crenshaw Douglas Finley Godbold Golding Hart Hammond Hancock Hoag Holly Jones of P. Kennedy Lipscomb Martin Mason McAlpin of G. McAlpin of H. McCarthan of S. McKnight Mendenhall Morris Moore of Mar. Murphee Payne Peter Priest Rogan Searcy Shields Simmons Smith of D. Smith of M. Walter Weissinger Williams of J. Williams of T. Wilson Withers Wynn and Young of the House of Representatives—51.

Messrs Hogan and Smith having each received a majority of the whole number of votes given Mr Speaker declared them duly elected commissioners to superintend the building of the penitentiary. Neither of the others having received a majority of the whole number of votes given. The two Houses then proceeded to vote a second time. The names of Messrs Higgin and Livingston having been withdrawn.

Those who voted for Mr. Fleming are Messrs Dent Devereaux Farrar Ross Rains Rogers, and Tamm of the Senate; Messrs Speaker Aldercomb Baker Boston Crawford Eselman Finley Hampton Higginson Kennedy Lindsey Moore of Ind. Moore of Ind. Porter Tarver Taylor of Ind. and Vining of the House of Representatives.—25.

Those who voted for Mr. Miller are messrs. Baylor, Frazier, Hill and Rice of the Senate; messrs. Ba-  
ling, Crenshaw, Earle, Henderson, Jones, B. McCanahan, of m. McMillion, Payne, Philpot, Priest and  
Wissinger of the House of Representatives—15.

These who voted for Mr. McWhorter are messrs President Cottrell Hudson McClellan Meyer Simmons Smith and Watrous of the Senate; messrs Andrew Bates Booth Carmack Clifton of c. Co. L. Crayton Creagh Douglass Ellis Garner Golding Hall Hammond Hancock Hogg Holly Jones of B. Depscomb Martin Mason McAlister McClanahan of S. McConnell McKnight Mitchell Morris Moore of W. Murphy Peters Phillips Rogan Searcy Shields Shortridge Simmons Smith of m. Warren Willats of J. L. Wilson and Withers of the House of Representatives—49.

declared him duly elected a Commissioner to superintend the building of the Penitentiary.

The Senate then retired to the Senate chamber. Mr President resumed his seat. On motion of Mr Baylor, the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, January 30th, 1839.*—The Senate met pursuant to adjournment. Mr Hudson presented the account of A. R. Thomas, which was referred to the committee on accounts and claims.

Mr McClellan moved to reconsider the vote on ordering the bill to be entitled an act to better enable the Bank of the State of Alabama and its several Branches to secure the payment of their debts, to a third reading. Mr Mays moved to lay the motion on the table which was lost. Mr Baylor requested



to postpone until to-morrow the motion on ordering the bill to a third reading, which being sustained was so ordered.

Mr Smith from the committee on roads, bridges and ferries, to which was referred the engrossed bill to be entitled an act to repeal in part and amend the law on public roads so far as relates to the county of St. Clair, reported the same inexpedient which was laid on the table.

Mr Watrous from the select committee, to which was referred a bill to be entitled an act to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur, to the town of \_\_\_\_\_ in the county \_\_\_\_\_ reported the same with the following amendments, viz: in the 9th section, strike out all after the word 'at' in the 4th line, to the 9th line in the same section; strike out the words 'at each of said offices' whenever they occur in the 9th and 10th sections, and insert in lieu thereof, the words 'said office.' Mr Hudson moved to lay the bill on the table. The yeas and nays were called for. Yeas 9, nays 16.

The yeas were Fleming Frasier Hill Hudson Lloyd Ross Rice Rogers and Terry. — The nays were messrs President Baylor Dent Devereaux Farrar King McClellan McVay Mays Rains Riddle Smith Toulmin Ward Wellborn and Wilson.

The motion was lost. The question was then on agreeing to the report of the committee. The yeas and nays were called for. Yeas 16, nays 10.

The yeas were messrs President Baylor Dent Devereaux King McClellan McVay Mays Rains Riddle Smith Toulmin Ward Watrous Wellborn and Wilson.

The nays were messrs Farrar Fleming Frazier Hill Hudson Lloyd Ross Rice Rogers and Terry.

The report was concurred in. Mr McVay moved to fill the blank with 'Florence.' Mr Baylor moved to indefinitely postpone the bill. The yeas and nays were called for. Yeas 13, nays 12.

The yeas were messrs Baylor Farrar Fleming Frazier Hill Hudson Lloyd Ross Rice Rains Rogers Terry and Wilson.

The nays were messrs President Dent Devereaux King McVay Mays Riddle Smith Toulmin Ward Watrous and Wellborn.

The bill was indefinitely postponed.

Mr Riddle from the joint examining committee of the State Bank, made a report and offered the following resolution: *Resolved*, that five hundred copies of the report of the joint examining committee of the State Bank be printed under the superintendence of said committee for the use of the Senate, which was adopted.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles to wit: an act to authorize Henry C. Dunn, to make a title to a certain tract of land; an act to authorize and establish a third battallion in the 73d Regiment of Alabama militia; and an act for the relief of John V. Otts.

Mr Mays from the committee on the State Bank, to which was referred a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches, reported a substitute, which was concurred in, read the second time and ordered to be engrossed and made the special order of the day for 11 o'clock on to-morrow.

Mr Lloyd from the select committee, to which was referred the petition of the citizens of Marshall county, praying for an enactment of the General Assembly of the State of Alabama, for the courts of said county, to be continued to be held at Claysville, in said county, reported it inexpedient, and asked to be discharged from the further consideration of the same, which was concurred in.

Message from the Governor, by Mr Gooch.

*Executive Department, Tuscaloosa, January 30th, 1839.*

Gentlemen of the Senate and House of Representatives. — I have this moment

received the resignation of the Hon. Andrew Crenshaw, as Judge of the 6th judicial circuit of the State of Alabama. I have also received the resignation of Alexander Bowie, Esq. as a member of the board of Coosa river commissioners.

A. P. BAGBY.

Hon. James M. Calhoun, President of the Senate.

Message from the House of Representatives, by Mr. Phelan: Mr. President, the House of Representatives, has read and passed bills which originated in the Senate, of the following titles, viz: an act concerning the Mobile and Cedar Point rail road company; an act to repeal in part an act therein named; an act to incorporate the town of Mardisville, in the county of Talladega, and has amended the same as therein shown; the House has passed bills of the following titles: an act to incorporate the Mountpelier Academy, in Lowndes county, an act to continue in force an act entitled an act to establish a turnpike road from the house of John Gandy, in Morgan county, to Baltimore or Morgan Springs in Blount county, passed December 23d 1832; an act for the relief of the sufferers, by reason of the depredations of the hostile Creek Indians; an act to increase the pay of jurors in the county of Jackson; an act to authorize John E. Whitsitt to erect a toll bridge across the Noxubee river; an act to incorporate the Selma rangers; an act to amend the law upon the subject of probate of deeds; an act for the support of paupers in the county of Wilcox; an act to authorize David Canfield to establish a public ferry at the Cedar Bluff, on the Tennessee river in the county of Jackson; an act to incorporate the Aberfoil Male and Female Academy; an act for the payment of a certain claim against the State, therein named; an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes; an act for the better management of the State Bank and its several Branches; an act to authorize William B. and George J. Hardwick, who are under the age of twenty one years, to do certain things therein named; an act to authorize the Judge of the county court and commissioners of revenue and roads of Russell county, to levy a tax for county purposes; an act to incorporate Franklin Academy, in the county of DeKalb; an act to incorporate the Baptist church, at Lafayette, in the county of Chambers; an act to change the name of William Lacroix to William Warren; an act to compensate the President and Directors of the State Bank of Alabama and its several Branches; an act to abolish Attorneys fees in certain cases; an act for the relief of Philip H. Lacy; an act for the payment of Captain Potts company of mounted volunteers and for other purposes; an act to authorize the Judge of the county court of Lawrence county, to appoint a coroner for said county in certain cases, which originated in the House, and in which the concurrence of the Senate is requested.

Engrossed bill to be entitled an act to incorporate the town of Mardisville, in the county of Talladega, the amendments from the House of Representatives, were concurred in.

An engrossed bill from the House of Representatives, to be entitled an act to incorporate the Mountpelier Academy, in Lowndes county, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act to continue in force an act entitled an act to establish a turnpike road from the house of John Gandy, in Morgan county to Baltimore or Morgan Springs in Blount county, passed December 23d 1832, was read the first time. Mr. Dent moved to postpone the bill until the first day of March next, which was carried.

Engrossed bill from the House of Representatives, to be entitled an act for

the relief of the suffers by reason of the depredations of the hostile Creek Indians, was read the first time, the constitutional rule dispensed with, was read a second time, and laid on the table.

Engrossed bill from the House of Representatives, to be entitled an act to increase the pay of jurors in the county of Jackson, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read a third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to authorise John C. Whitson, to erect a toll bridge across Noxubee river, was read the first time, the constitutional rule dispensed with, was read a second time and ordered to a third reading on to-morrow.

Mr Hudson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: an act for the relief of John Coleman and others; and an act to incorporate the city of Wetumpka.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Selma rangers, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on military affairs.

Engrossed bill from the House of Representatives, to be entitled an act to amend the law upon the subject of the probate of deeds, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act for the support of paupers in the county of Wilcox, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read a third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to authorise David Caulfield, to establish a public ferry at the Cedar bluff on the Tennessee river, in the county of Jackson, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Aberfoil Male and Female Academy, was read the first time and laid on the table.

Engrossed bill from the House of Representatives, to be entitled an act for the payment of a claim against the State therein named, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; was read the 1st time, the constitutional rule dispensed with, was read the second time. Mr McVay moved to lay the bill on the table; which was lost. Mr. King moved to postpone the further consideration of the bill until Friday next, to be made the special order of the day; which was carried.

Engrossed bill from the House of Representatives to be entitled an act to abolish attorney's fees in certain cases, was read the 1st time; the constitutional rule dispensed with, was read the second time. Mr. Terry moved the indefinite postponement of the bill. The yeas and nays were called for—yeas 7, nays 21.

The yeas were messrs. Fleming Frazier Mays Rains Terry Toulmin and Wilson.

The yeas were messrs President Baylor Dent Devereaux Farrar Hill Hudson King Lea Lloyd McClellan McVay Ross Rice Riddle Rogers Simmons Smith Ward Watrous and Wellborn.

The motion was lost. Mr. Terry offered the following amendment: That in case the defendant fails to plead the first week, he shall afterwards be allowed to plead upon making affidavit that he was unable to plead the first week, or that he has discovered new matter of defence since the time allowed for pleading has expired. Mr. Hudson called for the previous question: the yeas and nays were called for—yeas 14, nays 14.

The yeas were messrs. President Dent Devereaux Hudson King Lloyd McVay Rogers Ross Simmons Smith Ward Watrous and Wilson.

The nays were messrs. Baylor Farrar Fleming Frazier Hill Lee McClellan Mays Rice Rains Riddle Terry Toulmin and Wellborn.

The yeas and nays were called for on Mr. Terry's amendment—yeas 11, nays 14.

The yeas were messrs. Baylor Farrar Fleming Lea McClellan Mays Rains Riddle Terry and Toulmin.

The nays were messrs. President Hill Hudson King Lloyd McVay Ross Rice Rogers Simmons Smith Ward Watrous and Wellborn.

The amendment was lost, and the bill ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives, to be entitled an act for the better management of the State Bank and its several branches, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on the State Bank.

Engrossed bill from the House of Representatives, to be entitled an act to enable William B. and George S. Hardwick, who are under the age of twenty-one years, to do certain things therein named, was read the first time, and indefinitely postponed.

Mr. Lea moved to take from the table the bill to be entitled an act to incorporate the Atterholt Male and Female Academy, and to place it among the orders of the day—which was so ordered.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Russell county to levy a tax for county purposes, was read the 1st time, the constitutional rule dispensed with, was read the second time; the rule again dispensed with, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the first section of the seventh chapter of the military law, approved 23d December, 1837, and for other purposes, was read the first time, the constitutional rule dispensed with, was read the second time, and referred to the committee on military affairs.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Franklin Academy, in the county of De Kalb, was read the first time, the constitutional rule dispensed with; was read the second time, the rule again dispensed with; was read the third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Baptist Church at La Fayette, in the county of Chambers, was read the first time, and on motion of Mr. Baylor, was indefinitely postponed.

Engrossed bill from the House of Representatives to be entitled an act to change the name of William Lacock to William Warren; was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to compensate the President and Directors of the Bank of the State of Alabama and its several branches, was read the first time, the constitutional rule dispensed with, was read a second time. Mr. Dent moved to strike out the first and second sections of the bill. The yeas and nays were called for—yeas 11, nays 13.

The yeas were messrs President Dent Devereaux Farrar Fleming Frazier Hudson King Lloyd Ross and Ward.

The nays were messrs Baylor Hill McVay Rice Rains Riddle Rogers Simmons Smith Terry Toulmin Wellborn and Wilson.

The motion was lost. Mr. Baylor offered the following amendment: And be it fur-

ther enacted, that if any director shall be absent without good cause shewn to the satisfaction of the several Boards of Directors of any meeting of the board of directors, he shall forfeit the sum of ten dollars for each and every day he shall so absent himself. Mr President offered the following amendment: 'provided that, should any director fail or refuse to attend for three days in succession, any regular meeting of the board of directors, he shall be considered as having resigned his seat—unless prevented by sickness or unavoidable cause, and shall be subject to all the laws heretofore passed in relation to the resignation of a director.' Mr President moved to refer the bill and amendments to the committee on the State Bank: Ordered to be so referred.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Phillip H. Lacy, was read the first time, the constitutional rule dispensed with, was read a second time; the rule again dispensed with, was read the third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the payment of Captain J. Pates' company of mounted volunteers, and for other purposes, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on Indian expenditures.

Engrossed bill from the House of Representatives to be entitled an act to authorize the Judge of the county court of Lawrence county to appoint a coroner for said county in certain cases, was read the first time, the constitutional rule dispensed with, was read a second time; the rule again dispensed with, was read the third time and passed the Senate: Ordered to be entitled as above.

On motion of Mr. Baylor, the Senate adjourned until 4 o'clock, P. M.

*Evening Session.*—Message from the House of Representatives by Mr. Garrett: Mr President, the House of Representatives has passed bills of the following titles, which originated in the Senate: An act concerning the corporation of the town of Moulton, in Lawrence county; an act to establish and abolish certain election precincts—and has amended the same as therein shewn; an act to raise a revenue for the county of Randolph; an act to authorize the Judge of the county court, and commissioners of roads and revenue for the county of Montgomery, to levy a county tax; an act for the relief of Harriet Pilot—and has amended the same as therein shewn; an act for the relief of William Erwin, of Perry county—and has amended the same as therein shewn; an act to incorporate the town of Syllauga, in Talladega county; an act to authorize the judge of the county court and commissioners of revenue and roads for the county of —, to levy a special tax; an act to amend an act entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal; and an act to repeal in part and amend the militia laws of this State.

The house has also passed bills of the following titles, which originated in the house: An act for the relief of Robert C. Cummings and Leonidas O. Spyker; an act for the relief of Golden Harper; an act to alter and amend an act approved on the 23d day of December, 1837, in relation to retailers of spiritous liquors so far as relates to the county of Covington; an act to change the name of a certain person therein named; an act for the relief of Thomas T. Gammage; an act to change the boundary line of Russell County; an act to raise a revenue for the county of Dale, and to regulate the compensation allowed to clerks and sheriffs of said county for ex officio services; an act to form an additional regiment in the county of De Kalb; an act for the payment of certain claims growing out of the late Indian hostilities; an act for the relief of Lemuel Pounds; an act to incorporate the town of Chosetah, in Chambers county; an act making appropriation for the payment of the members and officers of the present general assembly; an act to amend an act entitled an act to incorporate the Selma and Tennessee railroad company, approved the 23d day of December, 1836; an act to establish a certain road therein named; an act for the relief of William E. Davis; an act for the relief of securities in certain cases; an act to incorporate the town of Stockton, in Baldwin county; an act to incorporate the town of Prairie Bluff, in the county of



Wilcox; an act to divorce Harriet S. Frell from her husband, John L. Frell; to divorce John Hughes from his wife, Rosana Hughes; to divorce Sarah Harrison from her husband, Joel Harrison; to divorce Eliza M'Laughlin from her husband, Peter M'Laughlin; to divorce Harriet W. Montague from her husband, Joseph H. Montague; to divorce William Logan from his wife, Mary Logan; to divorce Early A. Brown from his wife, Elizabeth Brown; to divorce John White from his wife, Eliza White; to divorce Eliza Crawford from her husband, Stephen Crawford; to divorce Mary Clark from her husband, Elijah Clarke; to divorce Nancy Davis from her husband, H-zekiah Davis; and to divorce Hiram Elam from his wife, Cely Elam—in which the concurrence of the Senate is requested. Also a bill to be entitled an act to authorize the taking of the depositions of attorneys, counsellors and solicitors, which originated in the Senate.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of sureties in certain cases, was read the first time, the constitutional rule dispensed with, was read the second time and referred to a select committee. Mr. President appointed messrs. Lee, Mays and Baylor such committee.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Stockton, in Baldwin county, was read the first time, the constitutional rule dispensed with, was read the second time, and ordered to a third reading on tomorrow.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Prairie Bluff, in the county of Wilcox, was read the 1st time, the constitutional rule dispensed with, was read the second time, and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to divorce Hiram Elam from his wife Cely Elam, was read the first time, the constitutional rule dispensed with, was read a second time, and referred to the committee on divorce and alimony.

Message from the Governor, by Mr. Goock: Mr President—His Excellency the Governor on this day approved and signed bills from the Senate having the following titles, to wit: an act to compensate certain persons therein named; an act to authorize the sheriff of Marion county to perform certain duties therein named; an act to incorporate the Marble Spring Academy, in the county of Talladega; an act to incorporate the Franklin Academy, in the town of Suggsville; an act to allow additional compensation for taking the census of this State; an act to authorize the Mobile College to confer degrees, and to exempt the property thereof from taxation; an act to incorporate the town of Lowndesboro, in the county of Lowndes; an act concerning the Mobile and Cedar Point Railroad company; an act to repeal in part an act therein named.

Engrossed bill to be entitled an act for the relief of William Erwin, of Perry county; amendments of the House of Representatives concurred in.

Engrossed bill to be entitled an act for the relief of Harriet Pilate—the amendments of the House of Representatives were disagreed to.

Engrossed bill to be entitled an act to abolish and establish certain election precincts therein mentioned; the amendments of the House of Representatives were concurred in.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of William E. Davis, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to establish a certain road therein designated, was read the first time, and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend an act entitled an act to incorporate the Selma and Tennessee Railroad company, approved the 22d day of December, 1836, was read the 1st time, the constitutional rule dispensed with, was read the second time, and ordered to a third reading on tomorrow.

Engrossed bill from the *House of Representatives* to be entitled an act making appropriations for the payment of the members and officers of the present General Assembly, and for other purposes, was read the first time, the constitutional rule dispensed with, was read a second time. Mr. Dent offered to amend the bill by an additional section, which was adopted. Mr. Mays offered to amend the bill by an additional section, which was adopted. The bill was read the third time and passed the Senate—the title amended by adding ‘and for other purposes.’

Engrossed bill from the *House of Representatives* to be entitled an act to incorporate the town of Cussetah, in the county of Chambers, was read the first time, the constitutional rule dispensed with, was read a second time; the rule again dispensed with, was read the third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act for the relief of Lemuel Pounds, was read the first time. Mr. Mays moved to postpone the further consideration of the bill until the first day of March next; which was lost, and the bill ordered to a second reading on tomorrow.

Mr. Hudson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to incorporate the Medical Society of South Alabama; an act to revive and continue in force the charter of the Moulton Railroad Company; an act to incorporate the Academy of the Ladies' Education Society, in the town of Selma; an act to authorize the election of a justice of the Peace and constable in the town of Maplesville, in the county of Bibb, and for other purposes; an act to authorize the formation of an additional regiment in the county of Barbour; an act to incorporate a male academy in the town of Livingston; an act to incorporate Mount Moriah academy, in the county of Wilcox; and an act to incorporate the Dadeville Female Academy.

Engrossed bill from the *House of Representatives* to be entitled an act for the payment of certain claims growing out of the late Indian hostilities, was read the first time; the constitutional rule dispensed with, was read a second time, and referred to the committee on Indian expenditures.

Engrossed bill from the *House of Representatives* to be entitled an act to form an additional regiment in the county of De Kalb, was read the first time, the constitutional rule dispensed with, was read a second time; Mr. Frazier moved to strike out ‘eighty fourth,’ and insert ‘eighty sixth,’ in the first section of the bill—which was adopted: the bill was then read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the *House of Representatives*, to be entitled an act to raise a revenue for the county of Dale, and to regulate the compensation allowed to clerks and sheriffs of said county, for *ex officio* services, was read the first time; the constitutional rule dispensed with, was read a second time; the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to change the boundary line of Russell county, was read the first time, the constitutional rule dispensed with, was read the second time, and on motion of Mr. Devereaux, was laid on the table.

Engrossed bill from the *House of Representatives*, to be entitled an act to regulate in part, sheriffs sales in the county of Shelby, was read the first time, the constitutional rule dispensed with, was read the second time and ordered to a third reading on to-morrow.

Engrossed bill from the *House of Representatives* to be entitled an act for the relief of Thomas S. Gammage, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the *House of Representatives* to be entitled an act to

change the name of a certain person therein named, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend an act approved on the 23d of Dec. 1837, in relation to retailers of spirituous liquors, so far as relates to the county of Covington, was read the second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Golden Harper, was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Robert C. Cummings and Leonidas O. Spyker, was read the first time, the constitutional rule dispensed with, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to divorce William Logan from his wife Mary Logan, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce Nancy Davis from her husband Hezekiah Davis, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce John Hughes from his wife Rosanna Hughes, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce Harriet W. Montague from her husband Joseph H. Montague, was read the first time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce Sarah Harman from her husband Joel Harman, was read the first time, the constitutional rule dispensed with, was read the second time and referred to a committee on military affairs.

Engrossed bill from the House of Representatives to be entitled an act to divorce Eliza McLaughlin from her husband Peter McLaughlin, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives to be entitled an act to divorce Early A. Brown from his wife Elizabeth Brown, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on inland expenditures.

Engrossed bill from the House of Representatives to be entitled an act to divorce John White from his wife Eliza White, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on the state capitol.

Engrossed bill from the House of Representatives to be entitled an act to divorce Crawford from her husband Stephen Crawford, was read the first time, the constitutional rule dispensed with, was read the second time. The yeas and nays were called for on the motion to refer the bill to the committee on the state of the Union. Yeas 8, Nays 16.

The yeas were messrs President Deat, Frazier Hudson King Lee nays and Rains.

The nays were messrs. Baylor Devereaux Farrar Hill Lloyd McClellan McVay Ross Rice Elliott Rogers Sumner Terry Toulmin Ward and Wellborn.

The motion was lost and the bill referred to committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce Harriet Frell from her husband John S. Frell, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to divorce Mary Clarke from her husband Elijah Clarke, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on divorce and alimony.

Message from the House of Representatives by Mr Phelan. Mr President, the House of Representatives has passed a bill of the following title: An act to re-  
vive, alter and amend an act entitled an act to incorporate the Demopolis and  
Woodville rail road company, in which the concurrence of the Senate is re-  
quested.

Engrossed bill from the House of Representatives to be entitled an act to re-  
vive, alter and amend an act entitled an act to incorporate the Demopolis and  
Woodville rail road company, was read the first time, the constitutional rule  
dispensed with, was a second time and referred to the committee on the judi-  
ciary.

Message from the House of Representatives by Mr Garrett. Mr President,  
the House of Representatives has passed bills entitled: An act to suppress the  
evil practice of carrying weapons secretly; an act to amend an act to alter and  
amend the laws regulating the admission and practice of counsellors and attorneys  
at law; also, a bill from the Senate entitled an act to incorporate the Greensbor-  
ough Cavalry company, and has amended the same as therein shewn; in which  
the concurrence of the Senate is desired.

Engrossed bill to be entitled an act to incorporate the Greensborough Cavalry  
company. The amendments of the House of Representatives were disagreed to.

Engrossed bill from the House of Representatives to be entitled an act to sup-  
press the evil practice of carrying weapons secretly, was read the first time, the  
constitutional rule dispensed with, was read the second time. Mr Riddle offer-  
ed the following amendment: 'Provided, sheriffs and constables shall be exempt  
from the provisions of this act.' The yeas and nays were called for. Yeas 5.  
Nays 21.

The yeas were Messrs Baylor Dent Riddle Simmons and Toulmin.

The nays were Messrs. President Devereaux Farrar Fleming Frazier Hill Hudson King Lea Lloyd  
McClellan McVay Mays Ross Rice Rains Rogers Terry Ward Watrous and Welbourn.

The amendment was lost; the bill read the third time and passed the Senate.  
Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to  
amend an act to alter and amend the laws regulating the admission and practice  
of counsellors and attorneys at law, was read the first time, the constitutional rule  
dispensed with, read a second time. Mr Hudson moved the indefinite post-  
ponement of the bill. The yeas and nays were called for. Yeas 21, Nays 3.

The yeas were Messrs President Baylor Dent Devereaux Farrar Fleming Frazier Hill Hud-  
son King Lloyd McClellan McVay Mays Ross Rice Rogers Simmons Terry Ward and Wilson.

The nays were Messrs Lea Rains Riddle Toulmin and Watrous.

The bill was indefinitely postponed.

Message from the House of Representatives by Mr Garrett. Mr President,  
the House of Representatives has adopted the following resolution: *Resolved*,  
That with the concurrence of the Senate, the two Houses will proceed on Thurs-

day evening, 31st inst. at 7 o'clock, to the election of a Judge for the 6th judicial circuit, a Judge of the city court of Wetumpka, and three commissioners for the improvement of the navigation of the Choctaw Hatchee river, in which the concurrence of the Senate is desired; also, a member of the board of Coosa river commissioners was added, and the message concurred in.

Mr Wellborn, from the military committee, to which was referred the communication of his Excellency the Governor, in relation to the purchase of a number of copies of Cooper's System of Tactics, reported a joint resolution and recommended its adoption. The joint resolution was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time. Mr Frazier moved to postpone the further consideration of the resolution until to-morrow, which was carried.

Mr Mays offered the following resolution: *Resolved*, by the Senate and house of Representatives of the State of Alabama in general assembly convened, that the keeping and the care of the Senate Chamber, the furniture thereof, and all the rooms connected therewith, be, and the same is hereby committed to Armistead R. Thomas, the door keeper of the Senate to commence at the adjournment of the present general assembly, and that for the services, required the sum of — dollars be, and the same are hereby appropriated.

On motion of Mr Rains, the Senate adjourned until 10 o'clock to-morrow morning.

*Thursday, Jan. 31.*—The Senate met pursuant to adjournment. Mr Hill asked for leave of absence for the member from Clarke county, (Mr Smith) for the remainder of the session of the present legislature, which was granted.

Mr Lea, from the committee on internal improvement and inland navigation, to which (for the purpose of dispatching the business of the Senate in due time) was referred an engrossed bill from the House of Representatives, to be entitled an act to divorce Eliza McLaughlin from her husband Peter McLaughlin, reported that they have read the evidence and found ample proof of treatment, barbarous and inhumane in the extreme, and recommend the passage of the bill. The report was concurred in, the bill read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on divorce and alimony, to which was referred an engrossed bill from the House of Representatives to be entitled an act to divorce Thomas B. Ballard from his wife Mary Ballard, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on divorce and alimony, to which was referred an engrossed bill from the House of Representatives to be entitled an act to divorce Nancy Patterson from her husband Edward Patterson, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on the judiciary, to which was referred the bill from the house of representatives, to be entitled an act to incorporate the town of Warrenton, reported the same with the following amendments, in the ninth and tenth lines of the fifth section, strike out the words 'and shall moreover take an oath before some justice of the peace,' and insert in lieu thereof, the word 'conditioned,' strike out the word 'constable' and insert in lieu thereof the word 'Marshal,' in the thirteenth line of the same section, which was concurred in; the bill was then read the third time and passed the Senate. Ordered to be entitled as above.



Mr Dent, from the committee on indian expenditures, to which was referred a bill to divorce Early Brown from his wife Elizabeth Brown, reported it inexpedient to pass the bill, which was read the third time and lost.

Mr Watrous, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act for the relief of Sarah Sallis, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on the judiciary, to which was referred an engrossed bill from the House of Representatives to be entitled an act to change the name of a certain person therein named, and for other purposes, reported the same back to the Senate without amendment, and recommended its passage, the bill was read a second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Simmons, from the committee on propositions and grievances to which was referred the bill to divorce Sarah Harman from her husband Joel Harman, reported it back to the Senate and recommended its passage, the bill was read a second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on the judiciary, to which was referred an engrossed bill from the House of Representatives, to be entitled an act to authorize James Herndon to peddle in the county of Marshall, reported the same back to the Senate without amendment. The bill was read the second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous, from the committee on the judiciary, to which was referred an engrossed bill to be entitled an act to amend and revive an act entitled an act to incorporate the Mobile and Tennessee rail road company, approved January 4th, 1836, reported the same to the Senate with the following amendment, viz: *Provided*, That said company commence the said rail road within three years, and complete the same within the period of ten years from the passage of this act. To come in at the end of the last section, which was concurred in, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Dent, from the committee on the state capitol, to which was referred the bill from the House of Representatives, to be entitled an act to divorce John White from his wife Eliza White, reported it inexpedient to pass the bill, which was disagreed to, and the bill ordered to a third reading on to morrow.

Mr Rains, from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Warren, in Sumter county, reported the same back to the Senate without amendment and recommended its passage; the bill was ordered to a third reading on to-morrow.

Mr. Rains from the committee on the Judiciary, to which was referred a bill to be entitled an act concerning deeds, reported the same back to the Senate and recommended its passage. The bill was read a second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. Smith from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of justice of Cherokee county, and for other purposes, approved June 24, 1837, reported the same back to the Senate without amendment, and recommended its passage; the bill was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Lee from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate a Rail Road company from the town of Greensboro to the town of Marion, in Perry county, reported the same back to the Senate, and recommended its passage. The bill was ordered to a third reading and passed the Senate: Ordered to be entitled as above.

Mr. Hudson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bill of the following titles, to wit: An act concerning the corporation of the town of Madison, in the county of Lawrence; an act to authorize the Judge of the county court and commissioners of Roads and revenue of the county of Montgomery, to levy a county tax; an act for the benefit of the 16th sections of this State; an act to alter and amend the charter of the city of Mobile; an act to raise a revenue for the county of Randolph; an act to repeal in part and amend the militia laws of this State; an act to authorize the taking the depositions of attorneys, counsellors and solicitors; an act to alter and amend the 7th section of an act to amend and consolidate the laws on the subject of public roads, approved the 23d December, 1837, so far as respects the county of Covington; an act to authorize the sale of slaves in the town of D'Arbonne; an act to amend an act to appropriate a certain sum for the completion of the muscogee canal; an act to alter the mode of assessing and collecting the county tax in the county of Butler, and for other purposes; an act to change the time of holding the county courts in Macon county; an act to incorporate the Grant's Creek Academy, in the county of Tuscaloosa; an act to incorporate the town of Sylacauga in Talladega county; and an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Fayette, to levy a special tax.

Mr. Lee from the committee on the judiciary, to which was referred a bill to be entitled an act to re-incorporate the Mobile Manufacturing Company, reported it back to the Senate with the following amendments: strike out from the word 'convened,' in the 2d line, to the word 'that' in the 4th line of the first section; in the 6th line of the same section, strike out the words 'incorporated as,' and insert the word 'constituted,' which were concurred in, and the bill ordered to be engrossed for a third reading on tomorrow.

Mr. Lee from the committee on the judiciary, to which was referred the bill to be entitled an act to establish a State prison and penitentiary, reported that a bill on the subject has passed the Senate, and legislation thereon is no longer necessary—which was concurred in.

Mr. Lee from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act to repeal in part an act entitled an act to amend the laws in force in relation to retailers of spiritous liquors, approved 23d December, 1837, reported the same back to the Senate without amendment; the bill was read the third time; the yeas and nays were called for on its passage—yeas 16, nays 9.

The yeas were messrs President Baylor, Cottrell Dent Devereaux Frazier Hill Hudson King Rice Simmons Terry ward and Wellborn.

The nays were messrs Farrar Fleming Lea Lloyd Riddle Rogers Toulmin Watrous and Wells.

The bill passed the Senate: Ordered to be entitled as above.

Mr. Lee from the committee on the judiciary, to which was referred an engrossed bill from the House of Representatives to be entitled an act to amend judicial proceedings at common law in regard to suits against copartners, reported it back to the Senate amended by a proviso, and recommended its passage—which was concurred in. The bill was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Lee from the select committee to which was referred an engrossed bill from the House of Representatives to be entitled an act for the relief of sureties in certain cases, reported the same back to the Senate with the following amendments: in the 4th line substitute the word 'are' for the word 'and'; in the 24th and 28th lines, substitute the

word 'insolvent,' for the word 'involved;' which was concurred in, the bill read the 3d time and passed the Senate: Ordered to be entitled as above.

Mr. Riddle from the committee on the judiciary, to which was referred the bill to be entitled an act to incorporate the Gerard Manufacturing Company, reported it back to the Senate without amendment. Mr. Riddle moved to lay the bill on the table. The yeas and nays were called for—yeas 10, nays 14.

The yeas were messrs. Baylor Dent Farrar Frazier Hudson Lloyd McVay Rice Riddle and Rogers.

The nays were messrs. President Cottrell Devereaux Fleming Hill King Lea Ross Simmons Terry Toulmin Ward Wellborn and Wilson.

The motion was lost, and the bill ordered to a third reading on tomorrow.

Mr. Riddle from the committee on the judiciary, to which was referred a bill to be entitled an act to incorporate the Catholic Female Benevolent Society of Mobile, reported it back with the following amendment: insert after the word 'style,' at the end of the 7th line, the words 'of the trustees;' which was concurred in, and on motion of Mr. King, the bill was laid on the table.

Mr. Riddle from the committee on the Judiciary, to which was referred a bill to be entitled an act for the support of paupers in the county of De Kalb, reported it back without amendment; the bill was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Riddle from the committee on the judiciary, to which was referred the bill to be entitled an act to amend the patrol laws, reported the following as a substitute: strike out all after the enacting clause, and insert the following—That hereafter all persons over the age of forty-five years, shall be exempt from patrol duty. Mr. Dent moved to amend the substitute by inserting after the word 'years,' 'who are not slave-holders;' which was adopted, and the bill ordered to a third reading on tomorrow.

Mr. Hudson moved to reconsider the vote taken on the report of the committee on the bill to be entitled an act to divorce Early A. Brown from his wife Elizabeth Brown; which was carried, and the bill read the third time and passed the Senate: Ordered to be entitled as above.

Message from the House of Representatives, by Mr. Phelan: Mr. President—the House of Representatives has passed a bill entitled an act to incorporate the Prairie Bluff, Woodville and Greensboro Rail Road Company—in which the concurrence of the Senate is desired.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Prairie Bluff, Woodville and Greensboro Railroad Company, was read the 1st time, the constitutional rule dispensed with, read a second time, and referred to a select committee. Mr. President appointed Messrs. Ross, Lea and Riddle such committee.

Mr. Lea from the committee on the judiciary, to which was referred an engrossed bill from the House of Representatives to be entitled an act to incorporate the Union Hotel company, reported it back to the Senate without amendment: the report and bill were laid on the table.

Mr. Farrar, from the select committee to which was referred the engrossed bill from the House of Representatives to be entitled an act to provide for building a Court House and jail in the county of St. Clair, reported it back to the Senate without amendment: the bill was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Dent offered the account of J. Lacy & Co., which was referred to the committee on accounts and claims.

Mr. Terry presented the account of William Hawn, which was referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, was read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Terry introduced a bill to be entitled an act to provide for the collection of the debts due the State Bank and branches; which was read the first time, the constitutional rule dispensed with, was read the second time, Mr. Terry offered the following amendment: "Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened," which was adopted, and on motion of Mr. Hudson, the bill was referred to the committee on the Judiciary.

Mr. Touhmin introduced a bill to be entitled an act to form and establish an additional judicial circuit for the State of Alabama, which was read the first time; the Senate refused to order it to a second reading.

Message from His Excellency the Governor, by Mr. Gooch: Mr. President—His Excellency the Governor on yesterday, 30th inst., approved and signed a bill from the Senate entitled an act to authorize and establish a third battalion in the seventy-third regiment of Alabama militia.

Message from the House of Representatives by Mr. Garrett: Mr. President—the House of Representatives concur in the amendments made by the Senate to their resolution to go into the election of a judge of the 6th judicial circuit, and judge of the city court of Wetumpka, and three commissioners for the improvement of the Chocoma-Hatchee River, this evening at 7 o'clock.

Message from the House of Representatives, by Mr. Phelan: Mr. President—the House of Representatives has passed bills of the following titles, which originated in the Senate: An act to incorporate Liberty Academy, in the county of Pickens; an act for the protection of the Muscle Shoals Canal; an act to incorporate the town of Mooreville, in the county of Limestone; also an act making appropriations for the year 1838; an act to compensate certain persons therein named; an act to exempt the fire wardens in the city of Mobile from serving on juries; an act to incorporate the town of Marshall, in the county of Marshall; an act to provide for holding the full term of the circuit courts of the first circuit; an act for the protection of mechanics; an act to authorize John A. White and George W. Cruzer, and their associates, to turnpike a certain road therein named; an act to incorporate the town of Fairfield, in the county of Pickens; an act to incorporate the Livingston fire engine company; an act to declare Chockolocco Creek a public highway, from Davis' to Bigg's Mills, in the county of Talladega; an act to extend the power of the courts of revenue and roads of the several counties in this State; an act to change the perquisites of the judge of the County court of Dallas county, into a stated salary; an act to define the compensation to be allowed to the clerks and sheriffs for ex officio services performed by them in the county of Henry; an act to incorporate the town of Ashburn, in the county of Macon; an act to authorize the Judge of the county court and commissioners of revenue and roads, to lay a special tax for the building of a jail in Henry County; an act to provide for the formation of an additional brigade in the militia of this State; an act for the compensation of tales jurors in the county of Monroe; an act to amend the charter of the Cahawba and Marion Railroad Company; an act to amend an act approved Dec. 25th, 1837, to appropriate the balance of the interest arising from the canal fund, which has or may be hereafter deposited in the State Bank or either of its branches; an act to incorporate the St. Andrews Society in Mobile; an act to provide for the construction of a bridge over Little Creek; an act compensating certain persons therein named; and an act to authorize the Judge of the county court, and commissioners of roads and revenue for Morgan county, to levy a tax for the purpose therein named—which originated in the Senate.

Engrossed bill from the House of Representatives to be entitled an act to compensate certain persons therein named, was read the first time; the constitutional rule dispensed with, was read a second time and referred to the committee on Indian Expenditures.

Engrossed bill from the House of Representatives, to be entitled an act to provide for the construction of a bridge over Little Creek, was read the first time and laid on the table.

Engrossed bill from the *House of Representatives* to be entitled an act to compensate certain persons therein named, was read the first time; the constitutional rule dispensed with, was read a second time and referred to the committee on Indian Expenditures.

Engrossed bill from the *House of Representatives* to be entitled an act making appropriations for the year one thousand eight hundred and thirty-nine; was read the first time; the constitutional rule dispensed with, was read the second time, and referred to the committee on accounts and claims.

Engrossed bill from the *House of Representatives* to be entitled an act for the protection of mechanics, was read the first time, the constitutional rule dispensed with, was read a second time, and ordered to a third reading on to-morrow.

Engrossed bill from the *House of Representatives* to be entitled an act to authorize John A. White and George W. Crozier, and their associates, to turnpike a certain road therein named. Mr. Dent moved to postpone the further consideration of the bill until the first day of March next—which was carried.

Engrossed bill from the *House of Representatives*, to be entitled an act to incorporate the town of Fairfield, in the county of Pickens, was read the first time; the constitutional rule dispensed with, was read the second time; the rule again dispensed with, was read the third time, and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to incorporate the Livingston fire engine company, was read the first time, the constitutional rule dispensed with, was read a second time and referred to the committee on the judiciary.

Engrossed bill from the *House of Representatives* to be entitled an act to extend the powers of the courts of roads and revenue of the several counties in this State, was read the first time, and the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to define the compensation to be allowed to the clerk and sheriff for *ex officio* services performed by them in the county of Henry, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to incorporate the town of Auburn, in the county of Macon, was read the first time, the constitutional rule dispensed with, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the *House of Representatives* to be entitled an act to exempt the fire wardens of the city of Mobile, from serving on the jury, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read a third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to change the perquisites of the office of the Judge of the county court of Dallas county, into a stated salary, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the *House of Representatives* to be entitled an act to incorporate the town of Marshall, in the county of Marshall, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.



Engrossed bill from the house of representatives to be entitled an act to provide for holding the fall terms of the circuit courts in the first circuit, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate.— Ordered to be entitled as above.

Engrossed bill from the house of representatives to be entitled an act to authorize the Judge of the county court and commissioners of roads and revenue, to levy a special tax for the building of a jail in the county of Henry, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to provide for the formation of an additional brigade of the militia of this State, was read the first time, the constitutional rule dispensed with, was read the second time and referred to the committee on military affairs.

Engrossed bill from the House of representatives to be entitled an act for the compensation of talis jurors in the county of Monroe, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above. On motion of Mr. Gaines the Senate adjourned until three o'clock p. m.

*Evening Session.*—Mr McClellan, from the committee of conference, to which was referred the matter of difference between the two Houses, reported the following amendments: Strike out the second section of the bill and Senate's amendment, and insert in lieu thereof the following: *Section 2. And be it further enacted*, That the counties of Madison, Jackson, Limestone, Lauderdale, Lowndes, Franklin, Pickens, Tuscaloosa, Greene, Dallas, Sumter, Lawrence, Mobile, Montgomery Perry, Talladega, Marengo and Wilcox, shall each form one senatorial district, and the counties of Randolph and Chambers one, of Cherokee and DeKalb one, of Marshall and Blount one, of St. Clair and Jefferson one, of Morgan and Walker one, of Marion and Fayette one, of Russell and Barbour one, of Clarke and Baldwin one, and Washington one, of Henry, Covington and Dale one, of Macon and Talbot one, of Monroe and Conecuh one, of Butler and Pike one, of Autauga and Cossah one, of Shelby and Bibb one.— The question was upon concurring in the report of the committee. Mr Baylor moved a call of the House, which being ordered, the following Senators answered to their names:

Messrs. President Baylor Dent Davenport Tamm Frazier Henderson McAdison King Lloyd McClellan McVay Mays Ross Rice Riddle Rogers Slaughter Smith Terry Tuley Ward Welborn and Wilson.

Engrossed bill from the House of representatives to be entitled an act to amend the charter of the Cahawba and Marion railroad company, was read the first time and ordered to a second reading on to morrow.

Engrossed bill from the House of Representatives to be entitled an act to amend an act approved Dec. 23, 1837, to appropriate the balance of the interest arising from the canal fund, which has or may hereafter be deposited in the State Bank or either of the branches of this State, was read the first time, the constitutional rule dispensed with, was read a second time and ordered to a third reading on to morrow.

Engrossed bill from the House of representatives to be entitled an act to incorporate the St. Andrews Society of Mobile, was read the first time, the constitutional rule dispensed with, was read a second time and referred to a select

committee. Mr. President appointed messrs Toulmin, King and Ross, such committee.

Message from the House of representatives by Mr. Garrett. Mr. President, the House of representatives has passed a bill to equalize the advantages of the school fund in township three, range nine, west, in the Huntsville land district, and for other purposes, in which the concurrence of the Senate is desired.

Engrossed bill from the House of representatives to be entitled an act to equalize the advantages of the school fund, in township three, range nine, west, in the Huntsville land district, and for other purposes, was read a first time, the constitutional rule dispensed with, was read a second time and referred to the committee on education.

Mr. Lea called from the table the engrossed bill to be entitled an act to repeal in part an act entitled an act to revise and amend the laws in relation to schools and school lands, approved Dec. 25, 1837, which was referred to the committee on education.

Message from the House of representatives by Mr. Garrett. Mr. President, the House of representatives recedes from its amendments to the bill entitled an act for the relief of Harriet Pilate; and an act to incorporate the Greensborough Cavalry company. The House concur in the amendments made to their bill entitled an act to provide for the payment of the officers and members of the general assembly, and an act to form an additional regiment in the county of De Kalb.

Engrossed bill which was made the special order of the day for 11 o'clock, from the House of representatives, to be entitled an act to better enable the President and Directors of the bank of the State of Alabama and its several branches, to secure the debts due said banks. Mr. Terry moved to reconsider the vote ordering the bill to a third reading. The yeas and nays were called for. Yeas 16, nays 10.

The yeas were Messrs. Dent, Farrar, Fleming, Hudson, Lea, Lloyd, Ross, Rice, Rains, Rogers, Simmons, Terry, Watrous, Wellborn, and Wilson.

The nays were messrs. President, Devereaux, Frazier, Hill, King, McVay, Mays, Riddle, Toulmin and Ward.

The motion prevailed. The hour having expired, Mr. Lea moved to suspend the consideration of the report of the committee of conference, on the disagreement of the two Houses on the apportionment bill, which under a call of the House, was laid on the table for one hour, which was lost; and the Senate resumed the consideration of the report; the yeas and nays were called for on the question of concurrence. Yeas 16, Nays 11.

The yeas were messrs. President, Fleming, Hudson, King, Lea, Lloyd, McClellan, McVay, Mays, Ross, Rains, Riddle, Rogers, Toulmin, Watrous, and Wellborn.

The nays were messrs. Baylor, Dent, Devereaux, Farrar, Frazier, Hill, Rice, Simmons, Terry, Ward, and Wilson.

The report was concurred in.

The Senate resumed the consideration of the engrossed bill of the House of Representatives, to be entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several branches, to secure the debts due said banks. Mr. Farrar moved to reconsider the vote taken on the adoption of Mr. President's amendment; the yeas and nays were called for. — Yeas 16, Nays 11.

The yeas were messrs. Dent, Farrar, Fleming, Hudson, Lea, McClellan, Ross, Rice, Rains, Rogers, Simmons, Terry, Ward, Watrous, Wellborn, and Wilson.

The nays were messrs. President, Baylor, Devereaux, Frazier, Hill, King, Lloyd, McVay, Mays, Riddle, and Toulmin.

The motion to reconsider was sustained. The question was then on the adop-

tion of mr President's amendment. The yeas and nays were called for. Yeas 11. Nays 16.

The yeas were messrs. President Baylor Devereaux Frazier King Lloyd McVay Mays Riddle Toulmin and Wellborn.

The nays were messrs. Dent Farrar Fleming Hill Hudson Lea McClellan Ross Rice Rains Rogers Simmons Terry Ward Watrous and Wilson.

The amendment was lost. The bill was then read a third time. The yeas and nays were called for on its passage. Yeas 18. Nays 8.

The yeas were messrs. Baylor Dent Fleming Hill Hudson King Lea Lloyd McClellan Ross Rice Rains Rogers Simmons Terry Ward Watrous and Wilson.

The nays were messrs. President Devereaux Farrar McVay Mays Riddle Toulmin and Wellborn.

The bill passed the Senate. Ordered to be entitled as above.

Message from the Governor by mr Gooch. mr President, his Excellency the Governor, this day approved and signed bills from the Senate of the titles following, to wit: An act to authorize the taking the depositions of attorneys, counsellors and solicitors; an act to authorize the Judge of the county court and commissioners of roads and revenue for the county of Fayette, to levy a special tax; an act concerning the corporation of the town of Moulton, in the county of Lawrence; an act to authorize the Judge of the county court and commissioners of roads and revenue of the county of Montgomery, to levy a county tax; an act to raise a revenue for the county of Randolph; an act to incorporate the town of Syllacogga, in Talladega county; and an act to amend an act entitled an act to appropriate a certain sum for the completion of Muscle Shoals Canal.

Message from the House of representatives by mr Garrett. mr President, the house of representatives concur in the report of the committee of conference on the disagreement of the two Houses on the apportionment bill.

Engrossed bill to be entitled an act for the relief of the sufferers by the late Creek Indian depredations. The amendments of the House of representatives were concurred in.

Engrossed joint resolutions from the House of representatives to provide for printing the annual report of the Trustees of the University of Alabama, and the accompanying documents were read the first time, the constitutional rule dispensed with, were read the second time and laid on the table.

Engrossed bill from the House of representatives to be entitled an act to incorporate the town of Dudleyville, was read the first time, the constitutional rule dispensed with, was read a second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

On motion of mr rains, the Senate then adjourned until 7 o'clock, p. m.

*Night Session.*—Message from the house of representatives. mr President, I have been directed by the house of representatives to invite the Senate into the hall of the house for the purpose of electing a Judge of the sixth judicial circuit; a Judge of the city court of Wetumpka; three commissioners for the improvement of the navigation of the Choctaw hatchee river, and one Coosa river commissioner.

Mr McClellan, from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, to-wit: An act to incorporate the Liberty Academy in the county of Pickens; an act to establish a board of commissioners for the improvement of the navigation of the Paint rock river, and for other purposes thereunto connected; an act for the improvement of the navigation of Elk river; an act to establish a board of Commissioners for the improvement of the navigation of the Choctaw hatchie river, and for other purposes; an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of Coosa river, and for oth-

er purposes. Mr Hudson moved to reconsider the vote on ordering to be indefinitely postponed the engrossed bill from the House of Representatives to be entitled an act to amend an act to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law, which was reconsidered and placed among the orders of the day.

Mr Farrar moved to take from the table the, engrossed bill from the House of Representatives, to be entitled an act to repeal in part and amend the laws on the subject of public roads, so far as relates to the county of St. Clair, and place it among the orders of the day, which was carried.

Message from the House of Representatives, by Mr Garrett; Mr President, I am requested by the House of Representatives, to invite the Senate into the Hall of the House for the purpose of going into the elections as agreed upon by the two Houses. Whereupon the Senate repaired to the Hall of the House, were seated and Mr President announced the object of the convention of the two Houses. The two Houses then proceeded to the election of a Judge for the 6th judicial circuit. Henry W. Hilliard, Nathan Cook and John P. Booth being in nomination. For Hilliard 31, Cook 28, Booth 48.

Those who voted for Mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous, of the Senate—messrs Speaker Andrews Baldwin Baker Burke Crawford Hall Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of S. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Pries Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—31.

Those who voted for Mr Cook, are messrs President Devereaux Hill Hudson Lloyd McClellan Ross Riddle and Ward of the Senate.—messrs Abercrombie Bates Cook of L. Creagh Crenshaw Earle E. Selman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—28.

Those who voted for Mr Booth, are messrs Baylor Farrar Frazier Lea Rains Rogers Terry Toulmin Wellborn and Wilson, of the Senate—messrs Blassingame Bolling Boston Carnack Clifton of C. Clifton of D. Douglass Finley Garner Godbold Golding Hammond Hancock High Holly Lipscomb Martin Mason McConnell McKnight Morrow Murphy Payne Phillips Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—48.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a second time.

Those who voted for Mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baldwin Baker Burke Crawford Earle Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of S. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—29.

Those who voted for Mr Cook, are messrs President Devereaux Hill Hudson McClellan Ross Riddle and Ward of the Senate—messrs Abercrombie Andrews Bates Cook of L. Creagh Crenshaw Ellis E. Selman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—28.

Those who voted for Mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry and Toulmin of the Senate—messrs Blassingame Bolling Boston Carnack Clifton of C. Clifton of D. Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Priest Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—52.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the third time.

Those who voted for Mr Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baker Baldwin Burke Crawford Earle Hampton Hogg Jones of P. Kennedy Lindsay McClannahan of S. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—29.

Those who voted for Mr Cook, are messrs President Devereaux Hill Hudson McClellan Ross Riddle and Ward of the Senate—messrs Abercrombie Andrews Bates Cook of L. Creagh Crenshaw Ellis E. Selman Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young of the House of Representatives—28.

Those who voted for Mr Booth, are messrs Farrar Frazier Lea Lloyd Rice Rains Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carnack Clifton of C. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hampton Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields

Summers Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Bright and Wynn, of the House of Representatives—51.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fourth time.

Those who voted for Mr. Hilliard, are messrs Dent King McVay Mays Simmons and Watrous of the Senate—messrs Speaker Baldwin Baker Burke Crawford Hampton Hogg Jones of P. Kennedy Lindsey McClannahan of s. Mills Mitchell Moore of mad. Moore of mar. Peters Porter Rutherford Shortridge Walker Williams of T. and Withers of the House of Representatives—28.

Those who voted for Mr. Cook, are messrs President Devereaux Hill Hudson McClellan Ross Rains Riddle and Ward of the Senate—messrs Abercrombie Address Bates Cook of L. Creagh Crenshaw Earle Ellis Esselman Hogg Hollis Jones of B. McAlpin of G. McAlpin of m. McClannahan of m. Meade Morris Moore of w. Sommers Tarver Vining and Young, of the House of Representatives—30.

Those who voted for Mr. Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of C. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—30.

Neither having received a majority of all the votes given, the two houses proceeded to vote a fifth time.

Those who voted for Mr. Hilliard, are messrs Dent King Mays and Simmons of the Senate—messrs Baldwin Baker Burke Crawford Hampton Jones of P. Kennedy Mills Mitchell Moore of mad. Moore of mar. Porter Rutherford Shortridge Walker Williams of J. and Wright of the House of Representatives—21.

Those who voted for Mr. Cook, are messrs President Devereaux Hill Hudson McClellan McVay Ross Rains Riddle Ward and Watrous of the Senate—messrs Speaker Abercrombie Address Cook of L. Creagh Crenshaw Earle Ellis Esselman Hogg Hollis Jones of B. Lindsey McAlpin of G. McAlpin of m. McClannahan of s. Meade Morris Moore of w. Peters Priest Sommers Tarver Vining and Young of the House of Representatives—38.

Those who voted for Mr. Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Morrow Murphy Payne Phillips Philpot Rogan Shields Simmons Smith of D. Smith of m. Warren Weissinger Williams of J. Wilson Wright and Wynn of the House of Representatives—

Neither having received a majority of all the votes given, the two house proceeded to vote a sixth time. The name of Mr. Hilliard having been withdrawn.]

Those who voted for Mr. Cook, are messrs President Devereaux Hill Hudson King McVay Mays Ross Rains Riddle Simmons Ward and Watrous of the Senate—messrs Speaker Abercrombie Address Baldwin Baker Bates Cook of L. Crawford Creagh Crenshaw Earle Ellis Esselman Hampton Hogg Hollis Jones of B. Jones of P. Kennedy Lindsey McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. Meade Mills Moore of mad. Moore of mar. Moore of w. Peters Priest Sommers Tarver Vining Walker and Young of the House of Representatives—49.

Those who voted for Mr. Booth, are messrs Farrar Frazier Lea Lloyd Rice Rogers Terry Toulmin Wellborn and Wilson of the Senate—messrs Blassingame Bolling Boston Carmack Clifton of c. Clifton of D. Douglass Finley Garner Godbold Golding Hall Hammond Hancock High Holly Lipscomb Martin Mason McAllister McConnell McKnight Mills Morrow Murphy Payne Phillips Philpot Porter Rogan Rutherford Shields Shortridge Simmons Smith of D. Smith of m. Taylor of F. Taylor of m. Warren Weissinger Williams of J. Williams of T. Wilson Withers Wright and Wynn of the House of Representatives—56.

Mr. Booth having received a majority of all the votes given, Mr. Speaker declared him duly elected judge of the sixth judicial circuit of the State of Alabama.

The two houses next proceeded to the election of a judge of the city court of the city of Wetumpka. messrs Allen McWhorter and J. T. Beecher being nomination.

Those who voted for Mr. McWhorter, are messrs President Dent Farrar Hill Hudson King Lea Lloyd McClellan Mays Ross Rice Rains Riddle Simmons Terry Toulmin Ward Watrous Wellborn and Wilson of the Senate—messrs Speaker Baker Bates Bolling Boston Carmack Clifton of c. Cook of L. Creagh Crenshaw Douglass Ellis Esselman Finley Godbold Golding Hall Hammond Hancock Hogg Jones of B. Jones of c. Jones of P. Kennedy Lindsey Lipscomb Martin Mason McAllister McAlpin of G. McAlpin of m. McClannahan of m. McClannahan of s. McConnell McKnight Mills Mitchell Morrow Moore of mad. Moore of w. Murphy Payne Peters Phillips Philpot Priest Rogan Rutherford Shields Shortridge Smith of D. Smith of m. Sommers Taylor of E. Vining Warren Williams of J. Williams of T. Wilson Withers and Wynn of the House of Representatives—84.

Those who voted for Mr. Beecher are messrs Frazier McVay of the Senate—messrs Garner Hogg Holly Moore of mar. and Simmons of the House of Representatives—7.

Mr. McWhorter having received a majority of the whole number of votes given, Mr. Speaker declared him duly elected judge of the city court of the city of Wetumpka.



The two houses next proceeded to the election of three commissioners for the improvement of the navigation of the Choctaw Hatchee river. messrs. A. Justice, B. Walden, J. M. Long and J. Pate being in nomination. For mr Justice 63; mr Long 77; mr Pate 53; and for mr Walden 66. messrs Justice, Long and Walden, having received a majority of the whole number of votes given, mr Speaker declared them duly elected commissioners for the improvement of the Choctaw Hatchee river.

The two houses next proceeded to the election of one member for the board of the Coosa river commissioners. messrs John Lindsey and M. G. Rion being in nomination.

Those who voted for mr Lindsey are, messrs. Dent Devereaux Farrar Frazier Hill Lloyd Ross Rice Riddle Simmons Terry Foulmin Ward Watrous and Wilson of the Senate; messrs Speaker Address Baker Bolling Creagh Crenshaw Douglass Ellis Garner Ffley Godbold Golding Hancock Jones of B. Jones of c. Jones of P. Kennedy Lindsay Lipscomb Martin Mason McAlpin of G. McAlpin of m. McClanahan of m. Mills Morrow Moore of mad. Moore of mar. Murphy Payne Peters Philpot Priest Rogan Shields Shortridge Smith of D. Smith of m. Taylor of F. Warren Williams of J. and Wilson of the house of Representatives—57.

Those who voted for mr Rion, are messrs Hudson King Lea McClellan McVay Rains and Rogers of the senate; messrs. Bates Clifton of c. Hall Hapmonnd Hogg McClanahan of s. McConnell McKnight Michell Morris and Withers of the House of Representatives—418.

Mr Lindsey having received a majority of the whole number of votes given, mr Speaker declared him duly elected a member of the Board of Coosa river commissioners.

The Senate then retired to the Senate chamber; mr President resumed his seat, and on motion the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, February 1st, 1839.*—The Senate met pursuant to adjournment. Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles to wit: an act for the protection of the muscle shoals canal; an act to incorporate the Greensborough cavalry company; an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes; an act to declare Chockolocco creek a public highway from Davis' to Bagby's mills in the county of Talladega; an act for the relief of Harriet Pilate, an act to incorporate the town of Mooresville, in the county of Limestone; an act to authorise the Judge of the county court and commissioners of roads and revenue for Morgan county, to levy a tax for the purposes therein named; an act for the relief of the sufferers by the late Creek Indian depredations; and act to amend the acts now in force, relating to the taking of depositions.

Mr Dent from the committee on Indian expenditures, to which was referred a bill for the payment of Capt. J. Pates company of mounted volunteers, reported that they have attempted to examine said bill and accompanying documents but find they will not have that time to examine the papers that will enable them to come to any conclusion, whether or not the claim should be allowed, and returned the bill to the Senate without amendment. mr Hudson offered the following amendment. Section — *And be it further enacted*, that the necessary evidence shall be furnished the Comptroller, that the several accounts herein allowed have not already been allowed and paid, either by the General or State, government which was laid on the table. Mr Ward asked leave to withdraw the papers accompanying the bill, which was granted.

Mr Hudson from the committee on Indian expenditures, to which was referred the engrossed bill from the House of Representatives, to be entitled an act for the payment of certain claims growing out of the late Creek Indian hostilities reported the bill back to the Senate as amended. mr Frazier moved to lay the bill on the table, which was carried.

Mr Ross from the select committee, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to incorporate the Prairie Bluff, Woodville and Greensborough rail road company, reported the same back to the Senate, with the following amendment: strike out all after the word 'company' in the fifth line of the 13th section, and insert 'for twenty years.'

which was concurred in, the bill read the third time and passed the Senate. Ordered to be entitled as above.

Mr Terry from the committee on accounts and claims, to which was referred the engrossed bill to be entitled an act making appropriation for the year 1839, reported the same back to the Senate amended, by adding an additional section. Mr Baylor offered to amend the amendment by striking out the words 'and two hundred and fifty dollars State Treasurer for Clerk hire,' which were struck en out. Mr Mays called for the yeas and nays on the adoption of the amendment of the committee, as amended. Yeas 11, nays 12.

The yeas were messrs Baylor Dent Hill McClellan Rice Rains Simmons Terry Toulmin Watrous and Wellborn.

The nays were messrs President Devereaux Farrar Fleming Hudson King Lloyd McVay Ross Riddle Rogers and Wilson.

The motion was lost, Mr Rogers moved to reconsider the vote on the adoption of the amendment as amended, which was carried. Mr Baylor's amendment was then rejected. The yeas and nays were called for on the adoption of the original amendment of the committee. Yeas 17, nays 6.

The yeas were messrs President Baylor Dent Devereaux Frazier Hill Hudson King McClellan Rice Rains Riddle Simmons Terry Toulmin Watrous and Wellborn.

The nays were messrs Lloyd McVay Ross Rogers Ward and Wilson.

The amendment was adopted, the bill read a second time and passed the Senate. Ordered to be entitled as above.

Message from the House of Representatives, Mr President, the House of Representatives concur in the amendments made by the Senate to the bill entitled an act to better enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks.

Message from the Governor by Mr Gooch, Mr President: His Excellency the Governor on this day, approved and signed bills from the Senate of the following titles, to wit, wit: an act to incorporate Liberty Academy, in the county of Pickens, an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes.

Mr Mays from the committee on the State Bank, to which was referred the bill to be entitled an act for the better management of the State Bank and its several Branches, reported the same back to the Senate and recommended its passage, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to compensate the President and Directors of the Bank of the State of Alabama and its several Branches. Mr Mays moved to amend the bill by striking out the word 'four' and inserting the word 'three.' The bill was then read the third time and passed the Senate. The caption amended by striking out the words 'President and.'

Mr Rains from the committee on education, to which was referred the engrossed bill to be entitled an act to repeal in part an act entitled an act to revise and amend the laws in relation to schools and school lands, approved December 25th 1837, reported the same back to the Senate without amendment and recommended its passage, the bill was read the third time and lost.

Mr Rains from the committee on education, to which was referred the engrossed bill from the House of Representatives, to be entitled act to equalize the advantages of the school fund in township three, range nine west, in the Huntsville land district, and for other purposes, reported the same back to the Senate, with the following amendments and recommended its passage: 'Section 4. And be

it further enacted, that the residents in the township in Perry or Marengo counties may be permitted to draw their proportion of the sixteenth section funds when they find it more convenient to send to school in an adjoining township, which was concurred in. Mr Rice offered the following amendment 'and be it further enacted, that the citizens in township four of range two west, in the county of Morgan; shall be entitled to the benefits of the above act,' which was adopted. Mr Dent moved to postpone the further consideration of the bill until the first of March next. The yeas and nays were called for. Yeas 8, nays 16.

The yeas were messrs President Baylor Dent Fleming Frazier-King McVay and Mays.

The nays were messrs Farrar Hill Hudson Lea Lloyd Rice Rains Riddle Rogers Simmons Terry Toulmin Ward Watrous Wellborn and Wilson.

The motion was lost. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives, to be entitled an act to divorce Hiram Elam from his wife Celia Elam, reported the same back to the Senate, and recommended its passage, which was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony, to which referred the engrossed bill from the House of Representatives, to be entitled an act to divorce Henrietta W. Montague from her husband Joseph H. Montague, reported the same back to the Senate and recommended its passage, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to divorce William Logan from his wife Mary Logan, reported the same back to the Senate and recommended its passage, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to divorce Nancy Davis from her husband Hezekiah Davis, reported the same back to the Senate and recommended its passage, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony, to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce John Hughes from his wife Rosanna Hughes, reported the same back to the Senate and recommended its passage; the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Mary Clarke from her husband Elijah Clarke, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. — Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Elizabeth Crawford from her husband Stephen Crawford, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Harriet Frell from her husband John S. Frell, reported the same back to the Senate and re-

commended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Watrous from the committee on divorce and alimony to which was referred the engrossed bill from the House of Representatives to be entitled an act to divorce Mary H. Rutledge from her husband William T. Rutledge, reported the same back to the Senate and recommended its passage. The bill was read the third time and passed the Senate. Ordered to be entitled as above.

On motion of Mr Dent, was taken from the table the engrossed bill from the House of Representatives to be entitled an act for the payment of Captain J. Pate's company of mounted volunteers and for other purposes; Mr Dent moved to amend the bill by striking out all after the word 'convened' in the second line to the word 'be' in the third line and insert 'that the sum of twenty-five hundred dollars,' which was adopted, the bill read the third time and passed the Senate. Ordered to be entitled as above.

Mr Frazier moved to take from the table the engrossed bill from the House of Representatives to be entitled an act for the payment of certain claims growing out of the late Indian hostilities, which was carried, the bill read the third time and passed the Senate. Ordered to be entitled as above.

On motion of Mr Baylor, was taken from the table the engrossed bill from the House of Representatives to be entitled an act for the establishment and support of preparatory schools in the several counties in this State, and on motion of Mr King referred to a select committee. Mr President appointed Messrs King, Baylor and Mays such committee.

Mr Toulmin from the select committee to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the St. Andrews Society of Mobile, reported that they have amended the same as therein shown, which was concurred in, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Wellborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to amend the first section of the seventh chapter of the military code approved, 23rd December, 1837, and for other purposes, reported it inexpedient to legislate further on the subject and asked to be discharged from the further consideration of the same, which was concurred in.

Mr Lea from the committee on the judiciary to which was referred the engrossed bill from the House of Representatives to be entitled an act to revive, alter and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company, reported the same back to the Senate with the following amendment 'provided the roads or roads authorised to be constructed in pursuance of this act shall be commenced within two and completed in eight years, and provided the act shall not be so construed as to prevent the legislature from granting a charter to any other company to construct a road or roads through any of said counties of Perry, Marengo or Greene or any part thereof,' which was concurred in and the bill ordered to a third reading on to-morrow.

Mr Wellborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to provide for the formation of an additional brigade of the militia of this State, reported the same back to the Senate and recommended its passage, which was concurred in. The bill read the third time and passed the Senate. Ordered to be entitled as above.

Mr Wellborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Seminole Rangers, reported the same back to the Senate as inexpedient to legislate further upon the subject. Mr President offered the following amendments, strike out '39,' and insert '40' in the last section, adopted—strike out '100' and insert '64 privates,' adopted—Mr Watrous moved to strike out the exemption from road duty, adopted, and the bill ordered to a third reading on to-morrow.

Mr Dent from the committee on Indian expenditures to which was referred the engrossed bill from the House of Representatives to be entitled an act to compensate certain persons therein named, reported the same back to the Senate without amendment, the Senate refused to order the bill to the third reading.

Mr Dent from the committee on Indian expenditures to which was referred the bill to be entitled an act to compensate certain persons therein named, repoted the same back to the Senate without amendment, and the Senate refused to order the bill to the third reading.

Message from the House of Representatives by Mr Phelan: Mr President, the House of Representatives has passed a bill making appropriation of the payment for certain claims against the State, in which the concurrence of the Senate is desired.

Engrossed bill from the House of Representatives to be entitled an act making appropriation for the payment of certain claims against the State. Mr Terry offered an amendment by additional section, which was adopted; Mr Dent offered an amendment which was adopted, the bill was read the third time and passed the Senate. Ordered to be entitled as above.

Message from the House of Representatives by Mr Phelan: Mr President, the House of Representatives has adopted the Joint Resolutions from the Senate and has amended the same as therein shewn.

Message from the House of Representatives by Mr Garrett: Mr President, the House of Representatives has passed bills of the following titles to wit: An act to invest Augustus O. Cox a minor of Perry county, with certain privileges and liabilities: An act to incorporate the Red Ridge Academy in the county of Tallapoosa: An act to amend the laws now in force incorporating the town of North Tuscaloosa: An act to authorize William Jordan to build a toll bridge over Bassett's creek in the county of Washington: An act in relation to the distribution of Aikin's Digest, &c. An act to require the Secretary of State to procure and distribute to the new counties in this State the Weights and Measures now establish by law: An act to permit administrators to rent real estate and for other purposes: An act to repeal in part an act approved, December 17, 1823: An act to allow the sheriff of Walker county compensation for making returns of the Senatorial election: An act to repeal in part an act approved, 23d December, 1833: An act to incorporate the town of Dudleyville: An act to provide for the printing the annual report of the Trustees of the University of Alabama and the accompanying documents. They have also passed bills which have originated in the Senate of the following titles, to wit, An act to amend an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes: An act to amend the acts now in force relating to the taking of depositions also An act for the relief of the sufferers by the late Creek Indian depredations and have amended the same as therein shewn, in all which they ask the concurrence of your honorable body.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act approved 23rd December, 1833 was read the first time, Mr Lea moved to postpone the further consideration of the bill till the first day of March next. The yeas and nays were called for yeas 18, nays 5.

The yeas were messrs President Baylor Dent Devereaux Fleming Hudson King Lea McCallan McVay nays Ross Rains Riddle Rogers Simmons Terry and Watrous. The nays were messrs Farrar Frazier Rice Toulmin and Ward. The motion to postpone was sustained.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act approved, December 17, 1823, was read the first time the constitutional rule dispensed with was read a second time and referred to a select committee. Mr President appointed Messrs Rains Lea and Watrous such committee.

Engrossed bill from the House of Representatives to be entitled an act to allow the sheriff of Walker county compensation for making return of the Senatorial election, was read the first time an on motion of mr Hudson, laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to permit ad-



ministrators to rent real estate and for other purposes, was read the first time; the constitutional rule dispensed with, was read the second time and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to require the Secretary of State to procure and distribute to the new counties in this State, the weights and measures now established by law, was read the first time; the constitutional rule dispensed with, was read the second and third times and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act—whereas new company beats were formed by the last legislature in the county of Blount; and whereas the law requiring the Secretary of State to order the Clerks of the County Courts of the several counties to retain any number of Aikins' Digest which might be in their offices, as precludes the justices of the peace elected in such new company beats from obtaining Digests—was read the first time and laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to authorize William Jordan to build a toll bridge over Bassett's Creek, in the county of Washington, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of North Tuskaloosa, was read the first time; the constitutional rule dispensed with, was read a second and third time, and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Red Ridge Academy, in the county of Tallapoosa, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act to invest Augustus O. Cox (a minor of Perry County) with certain privileges and liabilities, was read the first time, and postponed indefinitely.

Message from the House of Representatives by Mr. Pichan: Mr. President—The House of Representatives concurs in the amendments made by the Senate to the bill entitled An act to amend judicial proceedings at common law in regard to suits against co-partners; an act for the relief of securities in certain cases; an act to establish an additional — in the county of De Kalb; also, a bill entitled an act to authorize Ward Taylor and his associates to construct a certain road hereinafter designated—in which the concurrence of the Senate is desired.

Engrossed bill from the House of Representatives to be entitled an act to authorize Ward Taylor and his associates to construct a certain road hereinafter designated,—was read the first time; the constitutional rule dispensed with, was read the second and third times and passed the Senate: Ordered to be entitled as above.

Mr. McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles: to wit: An act to suppress the evil practice of carrying weapons secretly; an act to apportion the representatives among the several counties in this State, and to divide the State into Senatorial districts according to the late census; an act making appropriation for the payment of the members and officers of the present General Assembly, and for other purposes; an act to abolish imprisonment for debt; an act to repeal in part and amend an act entitled an act to amend the laws in force in relation to retailers of spiritous liquors, approved 23d December, 1837; an act to incorporate Mardisville, in the county of Talladega; an act to form an additional regiment in the county of De Kalb; an act to incorporate the town of Cassatah, in the county of Chambers; an act for the support of paupers in the county of Wilcox; an act to authorize the judge of the county court and commissioners of roads and revenue of Russell county, to levy a tax for county purposes.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed a bill to authorize guardians of minors, idiots and

lunatics, to receive and remove from this State any property to which such ward may be entitled, when both guardian and ward reside out of the State; or to remove the same from one county to another, in this State, &c., and has amended the same as therein shewn.

Engrossed bill from the House of Representatives to be entitled an act to authorize the guardians of minors, idiots and lunatics to receive and remove from this State, any property to which such ward may be entitled, where both guardian and ward reside out of the State; or to remove the same from one county to another, in this State, &c. The amendments of the House of Representatives were concurred in.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed a bill to prohibit unlawful banking associations, and for other purposes—which originated in the Senate.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives concur in the amendment of the Senate to the bill entitled an act making appropriations for the year 1839.

Engrossed joint resolutions in relation to Maine and Georgia. The amendments of the House of Representatives were concurred in.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed a bill entitled an act to incorporate the Trading and Importing company of Alabama—in which they ask the concurrence of the Senate.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Trading and Importing company of Alabama, was read the first time. Mr. Mays moved to postpone the bill indefinitely, which was lost, and the bill ordered to a second reading on to-morrow.

On motion of Mr. Mays, the Senate then adjourned until 3 o'clock, P. M.

*Evening Session.*—Engrossed bill from the House of Representatives, to be entitled an act for the payment of Captain J. Pates' company of mounted volunteers, and for other purposes. The yeas and nays were taken on the Senate adhering to its amendments—yeas 10, nays 13.

The yeas were messrs President Dent Frazier King McClellan McVay Mays Rice Simmons and Wilson.

The nays were messrs Devereaux Farrar Hudson Lea Lloyd Ross Rains Riddle Rogers Terry Toussaint Ward and Wellborn.

The Senate receded from its amendments.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives have passed a bill from the Senate entitled an act to incorporate the Sipsey River Navigation Company.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives refuses to concur in the amendment made by the Senate to their bill entitled an act for the payment of Captain J. Pates' company of mounted volunteers, and for other purposes.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed a bill from the Senate entitled an act to amend an act limiting the number of auctioneers in the county of Mobile, and for other purposes, and have amended the same as therein shewn—and an act to authorize the judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax; an act to authorize the extension of the Tusculum and Courtland Railroad.

Engrossed bill to be entitled an act to amend an act limiting the number of auctioneers in the county of Mobile, and for other purposes. The amendments of the House of Representatives were concurred in.

Mr. Lea from the committee on the judiciary, to which was referred the bill to be entitled an act the better to provide for the collection of debts due the State Bank and branches, reported the same back to the Senate without amendment: the bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed bills of the following titles: An act for the relief of Levi Robbins; an act to incorporate the town of Pickensville, in the county of Pickens; an act for the relief of Hugh B. Cameron; also, a joint memorial to the Congress of the United States—in which the concurrence of the Senate is requested.

The joint memorial to the Congress of the United States from the House of Representatives, was read the first time, and postponed indefinitely.

Mr. Dent moved to reconsider the vote refusing to order the engrossed bill from the House of Representatives to be entitled an act to compensate certain persons therein named, to a third reading—which motion was lost.

Mr. Dent moved to reconsider the vote refusing to order the engrossed bill from the House of Representatives to be entitled an act to compensate certain person therein named to a third reading on tomorrow—which motion was lost.

Mr. Wilson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles: A bill to be entitled an act for the support of paupers in the county of De Kalb; an act to incorporate a Railroad company from the town of Greensboro to the town of Harp, in Perry county; an act to define the compensation to be allowed to the clerks and sheriff for ex officio services performed by them in the county of Henry; an act to amend judicial proceedings at common law in regard to suits against copartners; an act for the relief of sureties in certain cases.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Hugh B. Cameron, was read the first time; the constitutional rule dispensed with, was read the second and third times and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Pickensville in Pickens county, was read the first time, and ordered to a second reading on tomorrow.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Levi Robbins, was read the first time, and postponed indefinitely.

Message from the Governor, by Mr. Goode: Mr. President—The Governor this day approved and signed bills from the Senate of the following titles, to wit: An act for the relief of Harriet Pilate; an act to declare Chockolocke Creek a public highway, from Davis' to Bagly's mills, in the county of Talbot; an act to authorize the judge of the county court and commissioners of Roads and Revenue for Morgan county, to levy a tax for the purpose therein named; an act for the protection of the Muscle Shoals canal; an act to repeal in part and amend the militia laws of this State; an act for the relief of the sufferers by the late Creek Indian depredations; an act to amend the act now in force relating to the taking of depositions.

Mr. McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to increase the pay of jurors in the county of Jackson; an act to amend the law upon the probate of deeds; an act to raise a revenue for the county of Dale, and regulate the compensation allowed to the clerks and sheriff of said county for ex officio services; an act to authorize David Canfield to establish a public ferry at the Cedar Bluff on the Tennessee River, in the county of Jackson; an act for the relief of William Erwin, of Perry county.

Message from the House of Representatives by Mr. Garrett: Mr. President—The House of Representatives has passed bills from the Senate entitled an act concerning the revenue of Marshal and Jackson counties; an act to change the time of holding the courts of the 6th judicial circuit—and has amended the same as therein shown; also, a bill from the House of Representatives to authorize M. Chandler and William Blythe to turnpike a certain road therein named—in which the concurrence of the Senate is desired.

Engrossed bill to be entitled an act to regulate the time of holding the courts in the 6th judicial circuit. The amendments of the House of Representatives were concurred in.

Engrossed bill from the House of Representatives to be entitled an act to authorize M. Chandler and Wm. Blythe to turnpike a road therein named, was indefinitely postponed.

Mr. Lea from the committee on the judiciary, to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Livingston Fire Engine company, reported the same back to the Senate without amendment. On motion of Mr. Terry, the bill was indefinitely postponed.

Message from the House of Representatives by Mr. Garratt: Mr. President—The House of Representatives has passed bills of the following titles: An act regulating the compensation of the Branch pilots of Mobile Bay; and an act to amend the law now in force in relation to the harbor of Mobile—in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act regulating the compensation of the branch pilots in Mobile Bay, was read the first time; the constitutional rule dispensed with, was read a second and third times, and passed the Senate: Ordered to be entitled as above.

Mr. Lea moved to reconsider the vote on ordering to a second reading the engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Pickensville, in the county of Pickens—which was carried, the bill read a second time; the constitutional rule dispensed with, was read the third time and passed the Senate: Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the laws now in force in relation to the harbor of Mobile, was read the first time; the constitutional rule dispensed with, was read a second time. Mr. Topham offered the following amendment: insert the word 'certify' after the word 'survey,' in the first section; which was adopted, the bill read the third time and passed the Senate: Ordered to be entitled as above.

Mr. Hudson from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles: An act for the relief of Phillip H. Lacy; an act to exempt the fire wardens of the city of Mobile from serving as jurors; an act to incorporate Franklin Academy in the county of De Kalb; an act to authorize the judge of the county court of Lawrence county, to appoint a coroner for said county in certain cases; an act to incorporate the Greensboro Cavalry company; an act to divorce Thomas B. Ballard from his wife, Nancy Ballard; an act to authorize James Herndon to peddle in the county of Marshall; an act to change the name of certain persons therein named, and for other purposes; an act for the compensation of tales jurors in the county of Monroe; an act for the relief of Sarah Sallis; an act to divorce Sarah Harman from her husband, Joel Harman; and, act to legalize the proceedings of the commissioners appointed by an act entitled an act to locate the seat of Justice of Cherokee county, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year one thousand eight hundred and thirty-seven, and approved June 24, 1837.

Engrossed bill from the House of Representatives to be entitled an act to amend an act entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa River, and for other purposes, was laid on the table.

Engrossed bill to be entitled an act to authorize Thomas H. Davis to erect a toll bridge cross the Oakmulgee at or near the point called Green's bridge, on the line between the counties of Perry and Dallas, was read the first time, the constitutional rule dispensed with, was read a second and third times, and passed the Senate. Ordered, to be entitled as above.

The Senate then proceeded to the consideration of the orders of the day.



Engrossed bill from the House of Representatives to be entitled an act to regulate dower, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act to amend and repeal in part an act to incorporate the Mesopotamia male and female Academy, approved December 23d, 1836, was laid on the table.

Engrossed bill to be entitled an act for the benefit of Robert Duke of Perry county, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act concerning steam and horse mills, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act prescribing the manner of electing president and directors for the bank of the State of Alabama and its several branches, was read the third time. Mr Dent moved to postpone the bill indefinitely: the yeas and nays were called for; yeas 19, nays 6. The yeas were messrs. President Dent Devereaux Frazier Hill Hudson King Lea Lloyd McClellan M'Vay Ross Rice Raines Riddle Rogers Simmons Ward and Watrous. The nays were messrs. Flemming nays Terry Toulmin Wellborn and Wilson. The bill was indefinitely postponed.

Engrossed bill to be entitled an act to compensate William Arrington, was read the third time and passed the Senate. Ordered to be entitled as above.

Joint resolutions authorizing the Adjutant General of this State to purchase a certain number of tactics and regulations of the militia of the United States. Mr McClellan offered an amendment by way of an engrossed rider, which was adopted. The yeas and nays were called for on the passage of the bill; yeas 7, nays 16. The yeas were messrs. Dent Frazier Lea McClellan nays Raines and Wellborn. The nays were messrs. President Devereaux Frazier Fleming Hill Hudson King Lloyd M'Vay Ross Rice Simmons Terry Toulmin Ward and Watrous. The bill was lost.

Engrossed bill from the House of Representatives to be entitled an act for the payment of a claim against the State, therein named, was read the first time, the constitutional rule dispensed with, was read a second and third times, and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize John C. Whitsett to erect a toll bridge across Noxubee river, was read the third time, and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Mount Peller Academy, in Lowndes county, was read the second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to change the name of William Lacock to William Warren, was read the second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to abolish attorney's fees in certain cases, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Robert C. Cummings and Leonidas O. Spyker, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Golden Harper, was read a second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend an act, approved on the 23d of Dec'r, 1837, in relation to retailers of spirituous liquors, so far as relates to the county of Covington. On motion of Mr Watrous the bill was postponed until the first day of March next.

Engrossed bill from the House of Representatives to be entitled an act to change the



name of a certain person therein named, was read a second time, the constitutional rule dispensed with, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Thomas T. Gammage was read the second time and referred to the committee on indian expenditures.

Engrossed bill from the House of Representatives to be entitled an act to regulate in part, sheriff's sales in the county of Shelby, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Lemuel Pounders, was read a second time, the constitutional rule dispensed with, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Stockton in Baldwin county, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Town of Prairie Bluff in the county of Wilcox, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act for the relief of William E. Davis was read a second time and referred to the committee on indian expenditures.

Engrossed bill from the House of Representatives to be entitled an act to establish a certain road therein designated, was read a second time, the constitutional rule dispensed with, was read the third time and passed the senate. Ordered to be entitled as above.

Mr Watrous moved to reconsider the vote on the passage of the bill to authorize John H. Davis to erect a toll bridge across the Oakmulgee river at or near the point called Greer's bridge on the line between the counties of Dallas and Perry, which was carried, and the bill laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to amend an act entitled an act to incorporate the Selma and Tennessee rail road company, approved 23d December, 1836, was read the third time and passed the Senate. Ordered to be entitled as above.

The engrossed joint resolutions for the safe keeping of the furniture and rooms of both Houses of the General Assembly of the State of Alabama, was read the third time, and passed the Senate.

Engrossed bill to be entitled an act to incorporate the Mobile manufacturing company, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill to be entitled an act concerning deeds, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend an act approved Dec. 25th, 1837, to appropriate the balance of the interest arising from the canal fund which has, or may be hereafter deposited in the State Bank or either of the Branches of this State, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the charter of the Cahawba and Marion rail road company, was read the second time, the constitutional rule dispensed with, was read the third time, and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the patrol law, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Girard manufacturing company, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to divorce

John White from his wife Eliza White, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act for the protection of mechanics, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Warsaw in Sumter county, was read the third time and passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Auburn in the county of Macon, was read the third time and passed the senate. Ordered to be entitled as above.

Mr Hudson moved to reconsider the vote taken on the passage of the engrossed bill from the House of Representatives to be entitled an act to abolish attorneys fees in certain cases. Mr Hudson moved to amend the bill with the following proviso: "Provided, that this act shall not effect the law now in force, giving the banks of this state a summary process in the collection of debt," which was adopted, and the bill passed the senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Abertail male and female Academy, was read the third time and passed the senate. Ordered to be entitled as above.

Mr Baylor moved to reconsider the vote on ordering to a second reading the engrossed bill from the House of Representatives to be entitled an act to incorporate the trading and importing company, which was carried. Mr Mays moved to postpone the bill indefinitely. The yeas and nays were called for: yeas 7, nays 13. The yeas were messrs. Baylor Farrar King Lea M'Vay Mays and Watrous. The nays were messrs President Dent Devereaux Frazier Hudson Lloyd Ress Rice Riddle Terry Toulmin Ward and Wellborn. The motion was lost; the bill was read a second time, and constitutional rule dispensed with, was read the third time and passed. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to amend the act to alter and amend the laws regulating the admission and practice of counsellors and attornyes at law, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part and amend the laws on the subject of public roads so far as relates to the county of St. Clair, the report of the committee that it would be inexpedient and ought not to pass, were concurred in.

Message from the House of Representatives by mr Garrett: mr President, the House of Representatives has passed a bill from the Senate entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches and has amended the same by adding a section, in which the concurrence of the Senate is desired.

Engrossed bill entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches. The amendments by the House of Representatives, was concurred in.

Mr McClellan from the committee on enrolled bills, reported, that they have examined and find correctly enrolled bills of the following titles to wit: An act to divorce Nancy Patterson from her husband Edward Patterson: an act to authorise the judge of the county court and commissioners of roads and revenue of Dallas county to levy and collect an extra tax: an act making appropriations for the year one thousand eight hundred and thirty-nine: an act to divorce Eliza McLaughlin from her husband Peter McLaughlin: an act to provide for building a court house and jail in the county of St. Clair: An act for the better management of the State Bank and its several Branches: an act to divorce Early A. Brown from his wife Elizabeth Brown: an act concerning the revenue of Marshall and Jackson counties.

On motion of mr Mays the Senate adjourned until half past nine o'clock to-morrow morning.

*Saturday, February, 2.*—The Senate met pursuant to adjournment. Message from the House of Representatives by mr Phelan: Mr President, the House of Representatives concurs in the amendments made by the Senate to their bills entitled an act to incorporate the Prairie Bluff, Woodville and Greensborough rail road company: an act for the payment of certain claims growing out of the late Indian hostilities: an act to compensate the President and Directors of the State Bank and its several Branches: The House has also passed a bill entitled an act to incorporate the Tusculum Female Seminary which originated in the Senate, also an act to divorce Winnifred C. Jemison from her husband John Jemison: an act for the relief of John Biddle of Madison county: an act to incorporate the Somerville Academy in the county of Russell, which originated in the House and in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act for the relief of John Biddle of Madison county, was read the first time, the constitutional rule dispensed with, was read the second time the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Somerville Academy in the county of Russell, was read the first time the constitutional rule dispensed with, was read the second time the rule again dispensed with was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to divorce Winnifred Jemison from her husband John Jemison, was read the first time, the constitutional rule dispensed with was read the second time, the rule again dispensed with was read the third time and passed the senate. Ordered to be entitled as above.

Mr McClellan from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles to wit: An act to incorporate the town of Fairfield in the county of Pickens: an act to better enable the President and Directors of the Bank of the State of Alabama and its several Branches to secure the debts due said Banks: an act to extend the powers of the courts of roads and revenue in the several counties in this State: an act to provide for holding the fall terms of the circuit courts of the first circuit.

Message from the House of Representatives by Mr Phelan: Mr President, the House of Representatives has passed a bill entitled an act to alter and amend an act to establish a board of commissioners for the improvement of the Tombecbee river and for other purpose, in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend an act to establish a board of commissioners for the improvement of the navigation of the Tombecbee river and for other purposes, was read the first time the constitutional rule dispensed with was read the second time, the rule again dispensed with was read the third time and passed the Senate. Ordered to be entitled as above.

Mr King from the select committee to which was referred the engrossed bill from the House of Representatives to be entitled an act for the establishment and support of preparatory schools in the several counties of this State reported the following amendment add 'of the surplus revenue' after the word 'expenses' in the third line of the last section, which was concurred in; Mr Terry moved to suspend the constitutional rule and give the bill its third reading. The motion was lost and on motion of mr Hudson, the bill was laid on the table.

Message from His Excellency the Governor by mr Gooch: Mr President, His Excellency the Governor, on yesterday the first instant, approved and signed bills from the Senate of the following titles, viz: An act to incorporate the town of Mooresville in the county of Limestone: an act to incorporate the town of Mardisville in the county of Talladega: an act for the relief of William Erwin of Perry county: an act to incorporate the Greensborough cavalry company.

Mr Hudson from the committee on enrolled bills, reported that they had examined

and found correctly enrolled bills of the following titles to wit: An act to incorporate the Sipsey river navigation company; an act to amend an act limiting the number of auctioneers in the county of Mobile and for other purposes; an act to authorise the extension of the Tusculum, Courtland and Decatur rail road company; an act to prohibit unlawful banking associations and for other purposes; an act to change the perquisites of the office of the judge of the county court of Dallas county into a state salary; an act to authorise the judge of the county court and commissioners of roads and revenue to levy a special tax for the building of a jail in the county of Henry, and an act to incorporate the town of Marshall in the county of Marshall.

Mr Rains from the special committee to which was referred the engrossed bill from the House of Representatives to be entitled an act to repeal in part an act approved December 17, 1823, reported accompanying sections 6, 7, 8, 9 and 10, as amendments, which were adopted, the constitutional rule dispensed with, the bill read the third time and passed the Senate. Ordered to be entitled as above.

Mr Lea from the judiciary committee to which was referred the engrossed bill from the House of Representatives to be entitled an act to permit administrators &c. to rent real estate and for other purposes, reported the bill back to the Senate without amendment and recommended its passage, the bill was read the second time, the constitutional rule was dispensed with, the bill read the third time and passed the Senate. Ordered to be entitled as above.

Message from the House of Representatives by Mr. Garrett: Mr President, the House of Representatives concur in the amendment by the Senate to the bill entitled an act to equalise the advantages of the school fund in township three, range nine, west in the Huntsville land district and for other purposes and has amended the amendment as therein shown in which they ask the concurrence of the Senate. The amendment by the House of Representatives was concurred in.

Mr Wellborn from the committee on military affairs to which was referred the engrossed bill from the House of Representatives to be entitled an act to incorporate the Seim's rangers, reported it inexpedient to legislate farther upon the subject. The report was laid on the table—and Mr President (Calhoun) offered the following amendment to the bill as a proviso, provided that the members of said company shall perform patrol duty as often as any other citizens are required, and provided further, that this charter shall only continue for ten years, which was adopted, the constitutional rule dispensed with, the bill read the third time. The yeas and nays were called on the passage of the bill, yeas 15, nays 5.

The yeas were Messrs. President Dent Fleming Hill Hudson King McVay Mays Ross Rice Riddle Tolman Watrous Wellborn and Wilson.

The nays were Messrs. Baylor Lea Rains Rogers and Terry.

The bill passed the Senate. Ordered to be entitled as above.

Mr Dent from the committee on Indian expenditures to which was referred the bill to be entitled an act for the relief of William E. Davis, reported the bill without amendment.

Engrossed bill from the House of Representatives to be entitled an act for the relief of William E. Davis, was read the second time, and the bill ordered to a third reading on Monday next.

Engrossed bill from the House of Representatives to be entitled an act to revive, alter and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorise William Jordan to build a toll bridge over Bassett's creek in the county of Washington was read the second time, the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Red Ridge Academy in the county of Tallapoosa, was read the second time.

the constitutional rule dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Message from the House of Representatives by mr Garrett: Mr President the House of Representatives has passed a bill of the following title: An act to consolidate suits in this State, in which the concurrence of the Senate is desired.

Engrossed bill from the House of Representatives to be entitled an act to consolidate suits in this State, was read this first time and the further consideration of it postponed until the first of August.

Mr Hudson from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles to wit: An act to divorce William Logan from his wife Mary Logan: an act to divorce Nancy Davis from her husband Hezekiah Davis: an act to incorporate the town of Dudleyville: an act to divorce Hiram Elam from his wife Celia Elam, and an act to divorce John Hughes from his wife Rosana Hughes.

Message from the House of Representatives by mr Phelan—Mr President: The House of Representatives has passed bills of the following titles: an act to divide the counties of Washington and Sumter: an act to be entitled an act to repeal in part an act approved December 19th, 1823. The House concurs in the amendment by the Senate and has amended the amendment by filling the blank with '\$5000,' which amendment of the House was concurred in by the Senate.

Engrossed bill from the House of Representatives to be entitled an act to divide the counties of Washington and Sumter, was read the first time. Mr Hudson moved to lay the bill on the table. The yeas and nays were called for. Yeas 12, nays 8.

The yeas were messrs Dent Devereaux Frazier Hudson King Lea McClellan McVay Rice Rogers Watrous and Wilson.

The nays were messrs President Baylor Hill nays Ross Riddle Terry and Touknin.

The motion prevailed and the bill was laid on the table.

Message from the House of Representatives by mr Garrett—mr President: The House of Representatives has passed a bill entitled an act amendatory of the laws in relation to escheats, which originated in the Senate.

Message from the House of Representatives by mr Garrett—Mr President: The House of Representatives has passed bills of the following titles: an act to authorize Thomas H. Davis to erect a toll bridge across the Oakmulgee river at or near the point called Greer's bridge, on the line between the counties of Perry and Dallas; an act concerning steam and horse mills; an act to incorporate the Mobile manufacturing company; an act concerning deeds, which originated in the Senate.

Mr Wellborn, from the committee on Indian expenditures, to which was referred the engrossed bill from the House of Representatives to be entitled an act for the relief of Thomas T. Gammage, reported the same back without amendment. Mr McVay moved to postpone the further consideration of the bill until the first day of March. The yeas and nays were called: yeas 12, nays 6.

The yeas were messrs. President Dent Devereaux Frazier Hill Hudson King McClellan McVay Terry and Wilson.

The nays were messrs. Fleming Lea Ross Rice Rogers and Wellborn.

The motion prevailed and the bill was postponed.

Mr Terry moved to reconsider the vote postponing the consideration of the bill to consolidate suits in this State until the 1st March. The yeas and nays were called for. Yeas 9, nays 12.

The yeas were messrs Baylor Fleming Hill McClellan McVay Ross Rice Terry and Touknin.

The nays were messrs President Dent Devereaux Hudson King Lea nays Raina Rogers Watrous Wellborn and Wilson. The motion was lost.



Message from the House of Representatives by Mr Garret—Mr President: the House of Representatives has passed bills entitled, an act to incorporate the Argus company of Riflemen; an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Pike to levy and collect a tax; an act to incorporate the Tuscaloosa Guards; an act to provide for the summoning a jury to attend the county court of Marion; an act in relation to the distribution of the decisions of the Supreme Court which originated in the Senate; an act to incorporate the town of Linden, in the county of Marengo; an act touching fines imposed by Brigade courts martial; an act regulating sales by the sheriff of the county of Shelby, which originated in the Senate; also, an act to affix a name to the county seat of Walker, which originated in the House of Representatives, in which the concurrence of the Senate is requested.

The engrossed bill from the house of Representatives to be entitled an act to affix a name to the county seat of Walker, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered to be entitled as above.

Mr Wellborn moved to reconsider the vote on the bill to change the time of the meeting of the General Assembly. The yeas and nays were called for. Yeas 8, nays 15.

The yeas were messrs President Devereaux King McVay Rogers Toulmin Ward and Wellborn.

The nays were messrs Baylor Dent Fleming Hill Hudson Lea McClellan Mays Ross Rice Rains Riddle Terry Watrous and Wilson. The motion was lost.

Mr Hudson, from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to-wit: An act to abolish and establish certain election precincts therein mentioned; an act for the payment of certain claims growing out of the late Indian hostilities; an act to regulate the time of holding the courts of the sixth judicial circuit; an act to authorize guardians of minors, idiots and lunatics to receive and remove from this State, any property to which said ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State, &c., an act to compensate the president and directors of the Bank of the State of Alabama and its several branches.

Mr Wellborn moved to take from the table the bill to increase the limits of Russell county. The yeas and nays were called for—yeas 10, nays 11.

The yeas were messrs. Fleming Frazier Lea Mays Ross Rice Toulmin Watrous Wellborn and Wilson.

The nays were, messrs President Baylor Dent Devereaux Hill Hudson King McVay Riddle Rogers and Terry.

The motion was lost.

Message from the house of Representatives by mr Garrett— Mr President: The House of Representatives concur in the amendment by the Senate to the bill making appropriation for claims against the State, and has amended the amendment as therein shewn; which was concurred in by the Senate.

Message from the House of Representatives by Mr Garrett—Mr President: The House of Representatives has passed bills of the following titles, viz: An act prescribing the mode of establishing and licensing toll bridges, causeways and ferries and, defining the rights and liabilities of the owners thereof, and has amended the same as therein shewn; an act to provide for the payment of Captain Joseph T. Cook's company; an act for the relief of William Jordan, of Washington county; an act to permit justices of the peace for the two beats which meet in the city of Tuscaloosa to hold their offices within either of said beats, and for other purposes; an act to incorporate the Fayetteville male and

female academy in Fayette county; an act the better to regulate the operations of the Bank of the State of Alabama and its several Branches; an act to attach a part of the county of Tallapoosa to the county of Montgomery, which originated in the Senate.

The amendments of the House of Representatives to the bill to be entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries, and defining the rights and liabilities of the owners thereof, were concurred in by the Senate.

Message from the House of Representatives by Mr Phelan—Mr President: The House has passed a bill to be entitled an act to authorize John Grant to cut or excavate a channel or canal, through the shoal or shell reef, which now obstructs the inland navigation between Dauphin Island and Cedar Point. The bill was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time and passed the Senate. Ordered, to be entitled as above.

Mr Wilson, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, An act to incorporate the Tuscaloosa Guards.

Mr Hudson, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: An act to divorce Harriet Frell from her husband John Frell; an act to divorce Elizabeth Crawford from her husband Stephen Crawford; an act to divorce Harriet W. Montague from her husband Josiah H. Montague; an act to divorce Mary H. Rutledge from her husband William P. Rutledge; an act to divorce Mary Clarke from her husband Elijah Clarke; an act to provide for the formation of an additional brigade of the militia of this State; an act to establish a certain road therein designated; an act to incorporate the St. Andrews Society of Mobile; an act to authorize Ward Taylor and his associates to construct a certain road hereinafter designated. On motion of Mr Watrous the Senate adjourned.

*Evening Session.*—The Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr Garrett—Mr President: The House of Representatives concur in the Senate's amendments to the bills entitled, an act to abolish attorney's fees in certain cases; an act to revive, alter and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company; an act to incorporate the Selma Rangers. The House has passed bills from the Senate of the following titles, to wit: an act to authorize and require the Tennessee canal commissioners to ascertain whether any thing be due to John R. & S. S. Henry, and if so, to settle with them accordingly; an act explanatory of an act therein named; an act authorizing the judge of the county court of the county of Franklin and commissioners of revenue and roads to allow compensation to certain persons therein named, and for other purposes; also, a bill from the House, to incorporate the Meridianville and Hazle Green turnpike company.

Engrossed bill from the House of Representatives to be entitled an act to incorporate to Meridianville and Hazle Green turnpike company was read the first time. Mr King moved to lay it on the table, and the motion was lost. The constitutional rule was dispensed with, and the bill was read the second time, the rule again dispensed with, was read the third time, and yeas and nays were called for on the passage of the bill. Yeas 12, nays 10.

The yeas were messrs Dent Farrel Fleming and Rogers. The nays were messrs Ross Rice Rogers Terry Toulmin and Wilson.

The rays were messrs President Devereaux King Lea McClellan McVay Watrous and Wellborn.

The bill passed the Senate. Ordered, to be entitled as above.

Message from the Governor by Mr Gooch—Mr President: His Excellency the Governor on this day approved and signed bills from the Senate, having the titles following, to wit: an act concerning the revenue of Marshall and Jackson counties: an act to regulate the time of holding the courts of the sixth judicial circuit: an act to authorize the judge of the county court and commissioners of roads and revenue of Dallas county, to levy and collect an extra tax, and an act to incorporate the Tuscaloosa Guards.

Message from the House of Representatives by Mr Garrett—Mr President: The House of Representatives has passed a bill compensating George Snyder; also bills from the Senate entitled, An act to protect the character of females from slanderous aspersions: an act to compensate the commissioners of revenue and roads in the county of Covington.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives has passed a bill to be entitled an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, which originated in the Senate.

Engrossed bill from the house of Representatives to be entitled an act to compensate George Snyder, was read the first time, the constitutional rule dispensed with, was read the second time, the rule again dispensed with, was read the third time, and passed the Senate. Ordered, to be entitled as above.

Mr McClellan from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles to wit: an act to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its Branches. Joint Resolutions: an act concerning deeds: an act concerning steam and horse mills: an act regulating sales by the sheriff of the county of Shelby: an act to incorporate the town of Warrenton: an act to incorporate the trading and importing company of Alabama: an act making appropriation for the payment of certain claims against the State: an act explanatory of an act therein named: an act to require the Secretary of State to procure and distribute to the new counties in this State the weights and measures now established by law: an act to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches, an act to incorporate the Gerard manufacturing company: an act to divorce John White from his wife Eliza White: an act to incorporate the Mobile manufacturing company; and an act for the protection of mechanics.

Mr Hulson from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles, to wit: an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries and defining the rights and liabilities of the owners thereof: an act for the payment of a claim against the State therein named, an act to authorize John Grant to cut or excavate a channel or canal through the shoal or shell reef which now obstructs the inland navigation between Dauphin island and Cedar point: an act to amend an act approved December 17, 1823: an act to provide for the payment of Capt. Joseph Z. Cook's company: an act touching fines imposed by Brigade courts martial: an act to amend an act entitled an act to incorporate the Seama and Tennessee rail road company, approved 22d December 1836: an act the better to regulate the operations of the Bank of the State of Alabama and its Branches: an act to incorporate the Tusculum Female Seminary: joint resolutions in relation to the distribution of the decisions of the supreme

court; an act to attach a part of the county of Tallapoosa to the county of Montgomery; an act to provide for the summoning of a jury to attend the county court of the county of Marion; an act to amend an act to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law; an act to regulate in part sheriff's sales in the county of Shelby; an act for the relief of John Biddle in the county of Madison; an act to amend the laws now in force incorporating the town of North Tuscaloosa; an act to amend the charter of the Cahawba and Marion rail road company; an act to revive alter and amend an act entitled an act to incorporate the Demopolis and Woodville rail road company; an act to change the name of William Lacoek to William Warren; an act to incorporate the Somerville Academy in the county of Russell; an act for the relief of Robert C. Cummings and Leonidas O. Spyker; an act to divorce Winefred C. Jemison from her husband John Jemison; an act to amend an act approved December 25th 1837, to appropriate the balance of the interest arising from the canal fund, which has or may be hereafter deposited in the State Bank or either of its Branches; an act to compensate George Snyder for coal delivered for the use of the Legislature; an act to abolish attorneys fees in certain cases; an act to protect the character of females from slanderous aspersions; an act to authorise the Judge of the county court of Franklin and commissioners of roads and revenue to allow compensation to certain persons therein named and for other purposes; an act to equalize the advantages of the school fund in township three; range nine west, in the Huntsville land district, and for other purposes; an act to incorporate the Argus company of volunteer riflemen; an act to authorise the Tennessee canal commissioners to ascertain whether any thing be due John R. and S. S. Henry, and if so to settle with them accordingly; an act to incorporate the Fayetteville male and female Academy in Fayette county; an act to incorporate the Aberfoil male and female Academy; an act amendatory of the laws in relation to escheats; an act for the relief of William Jordan of Washington county; an act to authorize the Judge of the county court and commissioners of revenue and roads in the county of Pike, to levy and collect a county tax; an act to permit Justices of the Peace for the two beats which meet in the city of Tuscaloosa, to hold their offices in either of said beats and for other purposes; an act to incorporate the town of Warsaw in Sumter county; an act for the relief of Golden Harper; an act to regulate the compensation of the branch pilots of Mobile bay; an act for the relief of Hugh B. Cameron; an act to regulate dower; an act for the relief L. Pounders; an act to affix a name to the county seat of Walker; an act to change the name of certain persons therein named; an act to authorise W. Jordan to build a toll bridge over Bassetts creek, in the county of Washington; an act to permit administrators &c. to rent real estate and for other purposes; an act to incorporate the town of Auburn in the county of Macon; an act to compensate the commissioners of revenue and roads in the county of Covington and for other purposes; an act to authorize John C. Whitsett to erect a toll bridge across Noxubee river; an act to incorporate the red ridge Academy in the county of Tallapoosa; an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State; an act to incorporate the town of Linden in the county of Marengo.

On motion of Mr. Rogers the Senate adjourned until 7 o'clock.

**Night Session.**—The Senate met pursuant to adjournment. Message from the Governor by Mr. Gooch: Mr. President, his Excellency the Governor on this day approved and signed bills from the Senate of the titles following, viz:

An act to incorporate the Sipsey river navigation company; an act to authorize the extension of the Tuscumbia, Courtland and Decatur rail road; an act to

authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled, when both guardian and ward reside out of the State, or remove the same from one county to another in this State; an act to prohibit unlawful banking associations and for other purposes; an act to abolish and establish certain election precincts therein mentioned; an act to amend an act limiting the number of auctioneers in the county of Mobile and for other purposes; an act explanatory of an act therein mentioned; an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries, also defining the rights and liabilities of the owners thereof; an act to attach a part of the county of Tallapoosa to the county of Montgomery; an act to incorporate the Tusculumbia Female Seminary; an act to provide for the summoning of a jury to attend the county court of the county of Marion; an act to incorporate the Fayetteville Male and Female Academy in the county of Fayette; an act to protect the character of females from slanderous aspersions, an act touching fines imposed by brigade courts martial; an act to authorize the Judge of the county court of Franklin and commissioners of roads and revenue to allow compensation to certain persons therein named and for other purposes; an act amendatory to the laws in relation to escheats; an act for the relief of William Jordan of Washington county; an act to incorporate the Argus company of Volunteer riflemen; joint resolutions in relation to the distribution of the decisions of the supreme court; an act to authorize the judge of the county court and commissioners of revenue and roads of Pike county to levy and collect a county tax; an act to authorize and require the Tennessee canal commissioners to ascertain whether any thing be due to John R. and S. S. Henry, and if so to settle with them accordingly; an act to permit Justices of Peace for the beats which meet in the city of Tuscaloosa, to hold their offices within either of said beats and for other purposes; an act the better to regulate the operation of the Bank of the State of Alabama and its branches; an act concerning deeds; an act to provide for the payment of Capt. Joseph Cook's company; an act regulating sales by the sheriff of the county of Shelby; an act to incorporate the Mobile manufacturing company; an act concerning steam and horse mills; an act to alter and amend the charter of the Bank of the State of Alabama and its several Branches; an act to compensate the commissioners of roads and revenue in the county of Covington and for other purposes; joint resolutions concerning the complaint of the Legislature of the State of Georgia against the Executive of the State of Maine; an act to incorporate the town of Linden in the county of Marengo; an act the more effectually to prohibit free negroes and persons of color from entering into and remaining in this State.

Mr Hudson from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles to wit: an act to incorporate the town of Prairie Bluff in the county of Wilcox; an act to incorporate the Selma Tingers; an act to incorporate the town of Stockton in Baldwin county; an act to amend the laws now in force in relation to the harbour of Mobile; an act to incorporate the town of Pickensville in Pickens county; Mr McVay offered the following resolution; *Resolved*, that there be a committee appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, to inform his Excellency the Governor, that the two Houses have concluded the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make them. The resolution was adopted and the President appointed Messrs Wilson, Rice and McVay, such committee.



Message from the House of Representatives, by Mr Garrett, Mr President: the House of Representatives concur in the resolution of the Senate proposing to appoint a joint committee to inform his Excellency the Governor that the two Houses have completed the business before them, and are now ready to adjourn *sine die*, and have appointed on the part of the House, Messrs Boling, Lipscomb and Baker.

On motion of Mr Watrous, *Resolved*, that the standing committees be discharged from the further consideration of all subjects submitted to them.

On motion of Mr Rice, (Mr Terry in the chair.) *Resolved*, that the thanks of the Senate be due to the Hon. James M. Calhoun, for the able and efficient manner in which he has discharged the duties of the chair.

Mr Wilson from the joint committee appointed by the two Houses to wait on his Excellency the Governor and inform him that they had completed the business before them, and were ready to adjourn *sine die*, if he had no further communication to make them, reported that they had received for answer, that he had no further communication to make them.

On motion of Mr McVay. Ordered that the Secretary inform the House of Representatives, that the Senate have completed the business before them and are about to adjourn. Whereupon the President adjourned the Senate *sine die*.

JAMES M. CALHOUN, President of the Senate.

Attest: J. M. WITHERS, Secretary of the Senate.